

# THE BRAILLE MONITOR

INKPRINT EDITION

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



The National Federation of the Blind is not an organization speaking for the blind--it is the blind speaking for themselves

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## DR. D. WAYNE WOOLLEY DIES

The most distinguished blind scientist of our times -- an internationally recognized authority on vitamins, hormones and enzymes, Professor D. Wayne Woolley of The Rockefeller University died July 23 of an apparent heart attack in Cuzco, Peru, enroute to a scientific meeting in Brazil. He was 52 years old.

Blind since the 1940's, Dr. Woolley entrusted laboratory routine to two assistants. They reported to him their observations and from step-by-step reports Professor Woolley controlled experiments, guided procedure and reached his conclusions. In this way he pursued research that made him an authority on antimetabolites -- substances created in the body by certain deficiency diseases that render the sufferer incapable of utilizing food.

Some of his most recent work gave rise to a new concept of the causation of mental diseases -- that schizophrenia and other mental disorders may stem from faulty body chemistry rather than from emotional stress alone.

Dr. Woolley was born in Raymond, Alberta, Canada on July 20, 1914, the son of U.S. citizens. After obtaining his B.Sc. degree at the University of Alberta in 1935, he studied in the United States, where he had always been a citizen despite his place of birth. He was awarded an M.S. degree in 1936 and Ph.D. in 1938 in biochemistry by the University of Wisconsin.

Professor Woolley became an associate of the Rockefeller Institute for Medical Research in 1939, and remained with the institution when it became The Rockefeller University last year.

His scientific achievements were recognized with several outstanding awards, including: Mead-Johnson in 1945; American Pharmaceutical Manufacturers Association in 1948; the Eli Lilly Award in 1940 and 1948. He was presented an honorary M.D. degree from the University of Amsterdam in 1949 and an honorary LL.D. degree from his alma mater, the University of Alberta, in 1958.

Dr. Woolley worked with the hormone known as serotonin ever since its discovery and was the first to bring forth evidence to suggest that it may play a role in mental diseases. Since then, considerable evidence has accumulated to back his theory that certain mental disorders may be caused by faulty body chemistry and not just emotional stress.

The original discovery of this relationship of serotonin to mental processes was made by the use of antimetabolites. Antimetabolites of

serotonin were shown to bring about temporarily, in normal individuals, the signs characteristic of schizophrenia.

The relationship of serotonin to the inherited idiocies was explored. For example, in experiments with mice, it was possible to show that some aspects of intelligence, such as learning ability, could be modified by changes induced in the serotonin content of the brain.

The striking effects of this hormone were first studied about 13 years ago in relation to changes in blood pressure. In fact, the original experiments with the antimetabolites of serotonin were designed with the idea of producing a drug to control high blood pressure. The hormone's relationship to mental processes was a side issue which grew out of these blood pressure studies.

Additional evidence arose when other laboratories found that some tranquilizing and antidepressant drugs exerted some of their effects on psychotic patients by means of interference with the metabolism of serotonin.

Dr. Woolley believed that, although serotonin's causal relationship to schizophrenia had not yet been proved, there was much evidence to suggest that it may be at the root of the disorder. He set forth his conclusions, and the experimental bases for them, in the book The Biochemical Bases of Psychoses, published four years ago.

Other work carried out by Woolley concerned the mechanism of action of enzymes and hormones and the development of antimetabolites which may be useful in the understanding and control of several diseases.

Dr. Woolley made fundamental discoveries in vitamin research. The first scientist to isolate and identify the factor responsible for prevention of the disease pellagra, he identified the new vitamin as nicotinic acid which then became a member of the B-vitamin complex. He also established the structure of pantothenic acid by chemical synthesis. He determined the fact that inositol is a growth-promoting vitamin of the B-complex.

In the forefront of fundamental work on antimetabolites, he demonstrated for the first time that an antimetabolite could produce a vitamin deficiency in animals. The antimetabolite he used was pyrithiamine. His extensive work led to publication of a book, A Study of Antimetabolites.

Among his numerous memberships, he had been elected to the National Academy of Sciences. Also: the New York Academy of Medicine, the American Institute of Nutrition -- of which he had been president, the Society of American Bacteriologists, the Society of Biological Chemists, the American Society of Pharmacology and Experimental Therapeutics, the

Society of Experimental Biology and Medicine, and the Harvey Society. He was an honorary member of the Deutsche Pharmacologische Gesellschaft.

Dr. Woolley is survived by his wife, Janet McCarter Woolley, and his sister, Mrs. Arla Gibb, of Edmonton, Canada.

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## MICHIGAN CONVENTION

By Evelyn Weckerly

The Michigan Council of the Blind held its fall convention at the Wal-dron Hotel in Pontiac, October 8th and 9th.

The Saturday afternoon session featured two speakers. The first of these was Carl Schier, Deputy Director for Research for the Urban Law Program of the University of Detroit. He explained the purposes of the Urban Law Program and then discussed how -- through organizational strength, a broadly based legislative program, legal advice, and hard work -- we could achieve success with the legislature. A brief comparison of Michigan's statutes pertaining to welfare and to the blind with those of California pointed sharply to the antiquated, custodial philosophy of our law. He concluded by offering us his services and those of other law school faculty members in the building and enactment of a sound legislative program. Our second speaker was Ken Jernigan, who talked with us about orientation centers -- an extremely important matter because plans are now being made for the establishment of one in Michigan. He vividly described the philosophy and activities of the Iowa center and then compared it to others around the nation. Each talk was followed by a lively informal discussion.

Ken Jernigan delivered the banquet address, in which he discussed the relationship between blindness, discrimination, hostility, and progress. This was followed by the granting of two more charters -- one to Battle Creek and the other to a second chapter in Muskegon. The banquet concluded with the drawing of door prizes which had been provided by our Pontiac chapter, and happily, one of them was won by the most famous door-prize drawer of them all. Needless to say, he well deserved it after a long day's hard work.

The Sunday session was devoted to business. The finishing touches were given to the organization of our white cane drive, which ran from October tenth to fifteenth. The Salvation Army had asked us to take over again the organization of the one week summer camp, and Dorothy Eagle was therefore made permanent chairman. The following officers were

elected for two-year terms: Mildred Hamby, president; Mary Louise Gooder, first vice president; Edward Konieczki, second vice president; Evelyn Weckerly, secretary; and Merton Gooder, treasurer. The delegate to the next NFB convention will be Mildred Hamby; the first alternate, Dorothy Eagle; and the second alternate, Edward Konieczki.

Five resolutions were passed during the two-day session. The first calls for an amendment to Michigan's Fair Employment Practices Act so as to forbid discrimination on the basis of physical disability; the second calls for philosophical modernization of Michigan's Welfare code; the third calls for the adoption of the Model White Cane Law; the fourth condemns the standards which were drafted by the Commission on Standards and Accreditation of Services for the Blind; and the fifth calls for revision of the present plans for Michigan's proposed orientation center through consultation with the organized blind.

Besides those already mentioned, we had several other especially interesting people in attendance at the convention. Ken Jernigan had brought his wife, three of the students, and Manuel Urena, who, together with Carl Schier, put considerable time and effort into helping us write the resolutions which were passed. Also present was Barney Lewinson, the father of Edwin Lewinson, who was denied the right to serve on a New York jury.

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#### MICHIGAN RESOLUTIONS

[ Editor's note: Since they are spritely worded, substantial in content, and forward looking in outlook, the following resolutions of the Michigan Council of the Blind, passed at its convention last month, are published here for MONITOR readers.]

##### Resolution 66-B1

WHEREAS, the Michigan Fair Employment Practices Act prohibits discrimination in employment on the basis of race, creed, national origin, and ancestry; and

WHEREAS, the most invidious discrimination is practiced against the physically disabled, including the blind now,

THEREFORE, BE IT RESOLVED by the Michigan Council of the Blind, in convention assembled, this 9th day of October 1966, in the city of Pontiac, Michigan, that this organization and all of the blind of the state call upon

organized labor, public and private employers, and all public officials to rectify immediately this deplorable situation by urging the legislature to amend the Fair Employment Practices Act by adding provisions prohibiting discrimination on the basis of physical disability; and

BE IT FURTHER RESOLVED that this organization call upon all other interested groups, including other organizations of the physically disabled, to join with the organized blind in the securing of this vital objective.

Resolution 66-B2

WHEREAS, current Michigan welfare statutes reflect an antiquated, Elizabethan, poor law philosophy; and

WHEREAS, modern welfare programs for the blind ought to be directed toward promoting self care; expanding opportunities in education, rehabilitation, and employment; and securing the right to a full and meaningful life; and

WHEREAS, the principle objective of the blind is the achievement of total integration into society; now,

THEREFORE, BE IT RESOLVED by the Michigan Council of the Blind in convention assembled, this 9th day of October 1966, in the city of Pontiac, Michigan, that this organization directs its officers and board of directors and all blind persons in the state to do everything feasible and practicable to have these principals enacted into law as the foundation of all welfare programs.

Resolution 66-B3

WHEREAS, the blind of the nation are increasingly finding opportunity in the various vocations and callings of the community and state; and

WHEREAS, in order to take advantage of social, and especially employment, opportunities, the blind must have guaranteed to them the equal right of passage on the public thoroughfares in conveyances, and in buildings; and

WHEREAS, present statutes in the state of Michigan do not afford to them the necessary and equal protection of the law guaranteed to other citizens; and

WHEREAS, the use of the cane and dog guide are universally recognized as the instruments by which the blind are able to move freely about; and

WHEREAS, the statutes presently do not secure to the blind adequate safety and protection; and

WHEREAS, the National Federation of the Blind has formulated a model white cane law which would afford to the blind the necessary safety required in order to become productive citizens; now

THEREFORE, BE IT RESOLVED by the Michigan Council of the Blind in convention assembled, this 9th day of October 1966, in the city of Pontiac, Michigan, that this organization fully endorses this model white cane law; and

BE IT FURTHER RESOLVED that it hereby directs its officers and board of directors as well as all other blind persons in Michigan to do everything possible to secure legislative enactment of this model white cane law.

#### Resolution 66-B4

WHEREAS, the Commission on Standards and Accreditation of Services for the Blind and its successor, the National Accreditation Council, have been established for the purpose of effecting control of agencies serving the blind; and

WHEREAS, the standards presently proposed by the National Accreditation Council would work a serious hardship on the blind because they perpetuate the myths and stereotyped notions about the blind, by portraying them as mentally incompetent, physically inept, and psychologically inferior; and

WHEREAS, these standards impose rigidity in agency structure and are preoccupied with irrelevant "professional" qualifications, rather than concentrating on the real problems of blindness -- namely, the handicap of blindness which is brought about through preconceived public attitudes about the nature of blindness; now

THEREFORE, BE IT RESOLVED by the Michigan Council of the Blind in convention assembled, this 8th day of October 1966, in the city of Pontiac, Michigan, that this organization deplores and condemns these standards as retrogressive and injurious to the welfare of the blind and that it directs its officers and board of directors to take all steps necessary to prevent the implementation of these standards by public and private agencies serving the blind in the state of Michigan.

#### Resolution 66-B5

WHEREAS, preliminary plans are now being drawn up by the Office

of Services for the Blind for the establishment of an orientation center in the state of Michigan; and

WHEREAS, present plans call for the center to conform to the standards now being advocated by the National Accreditation Council; and

WHEREAS, these standards are profoundly repugnant to the organized blind because they will prevent or greatly retard the full independence of blind persons; now

THEREFORE, BE IT RESOLVED by the Michigan Council of the Blind in convention assembled, this 8th day of October, 1966, in the city of Pontiac, Michigan, that this organization directs its officers and board of directors to take whatever steps are required to ensure revision of the present plans for the center so as to meet more nearly the real needs of the blind; and

BE IT FURTHER RESOLVED that the officers and board of directors take whatever steps are necessary to ensure maximum participation by the organized blind in any revision of the plans which might occur; and

BE IT FURTHER RESOLVED that this organization press for a public legislative hearing in order to facilitate maximum feasible participation of the blind.

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#### BLIND MAN SERVES ON JURY IN COLORADO

(Compiled from the Denver Post, Sept. 25 and 28)

[ Editor's note: MONITOR readers will be familiar with Bill Wood as he served many years as president of the Colorado Federation of the Blind, attended numerous NFB conventions and is still an active leader of Colorado's organized blind. ]

William E. Wood has succeeded in securing a major wedge in breaking down the barriers of prejudice against blind persons serving on juries. On September 27 he became what Colorado jury commission officials believe is the state's first blind juror.

"They accept my taxes readily enough," Wood said. "Why shouldn't they accept my services on a jury?"

So, last March 4, after receiving a jury service invitation and questionnaire, he filled out the required forms and, in a letter to Jury Commis-

sioner Joe Horgan, wrote:

"Although I am blind, I can find nothing in the statutes. . .that would prevent me from serving on a jury. I consider this my obligation and duty as a taxpayer and citizen."

Horgan was reluctant, but after a telephone conversation with Wood, decided to accept him as a qualified juror.

On September 15, Wood was notified by mail that he was to report to the City and County Building [ in Denver] the following Monday.

Each day that week [ September 19-23], Wood's wife, Imogene, drove him downtown and left him at one of the Cherokee Street entrances of the City and County Building. From there on, he insisted on being on his own. White cane in one hand and briefcase loaded with Braille magazines [ to read while waiting] in the other, Wood made his way to the elevator and to the fourth-floor jury assembly room.

"I had been in the building before," he said, "so I didn't have any trouble finding my way around. People see my white cane and help me, and I gladly accept their help."

Wood was called to serve on panels three times during his first week.

Monday he was sent to Dist. Judge Neil Horan's court where a felony case was to go on trial. But the defendant entered a guilty plea just as jury selection was to begin.

Tuesday he went to County Judge William Conley's court as a possible juror on a traffic case. But he and several other jurors were excused by the attorneys on peremptory challenges, by which the lawyers may eliminate potential jurors without giving reasons.

Thursday he went to Juvenile Court where Judge Ted Rubin was to hear a delinquency case. Once again, Wood was excused through the peremptory device.

However, he had no quarrel about being excused. "I don't want any special favors," he said. "I just want an equal chance."

Wood said he didn't feel his blindness would hamper his effectiveness as a juror. He said he can picture physical evidence, such as diagrams and photographs -- if they are accurately described to him.

As far as passing on the credibility of witnesses by their actions on the stand is concerned, Wood said: "I can tell how they're acting by their

voices. Nervousness shows as much in their voices as in their actions. It's an exceptional person who has absolute control over his voice while under stress. I can tell whether a person is relaxed, unsure of himself or nervous by the sound of his voice under tension."

Then, during his second -- and final -- week of duty, Wood was one of six jurors selected from a panel of 14 to hear a paternity suit before Denver District Judge Sherman G. Finesilver.

Judge Finesilver, after learning Wood was blind, called the attorneys into his chamber to see if they objected to Wood's serving as a juror. No one objected.

The case involved a Denver woman's claim that a veterinarian had fathered her 2-year-old son. The proceedings ended on Friday, in favor of the plaintiff.

"I found it very interesting to be a juror," observed Wood. "And as the Court banned note-taking by the jury (apparently this is a rule of this particular Court), I believe I had a decided edge over the other jurors."

Wood was blinded in 1918 -- when he was 8 -- when a stick of dynamite he found in an old farm in Breckenridge, Colo., exploded in his face while he was playing with it.

A self-employed piano tuner who operates the William E. Wood Piano Tuning Service out of his home at 950 St. Paul St., Wood conceded his \$3-a-day job on the jury array for two weeks didn't render him a profit. But he said he felt the financial loss was one he was proud to bear.

Not only did he perform a duty he felt he ought to perform, Wood said, he also may have helped to remove another misconception some people have about what blind persons can and can't do.

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#### CALIFORNIA CONVENTION

By Beverly Gladden

The California Council of the Blind held its fall convention on October 8th and 9th at the Edgewater Inn Marina Hotel, hosted by the new Long Beach chapter.

In his president's report, Jim McGinnis, who has served the Council faithfully, vigorously and creatively for five years, reiterated his resolve

not to seek re-election, since the demands of that office have interfered increasingly with his need to earn a livelihood. His report terminated with a resolution designed to alleviate for the next president what Jim felt have been some of the difficulties he faced. This resolution gives the Council president power to employ and discharge at his discretion such administrative assistants, part-time or full-time, as might be needed to relieve the president of the ever-increasing demands of a thriving organization.

One of the guest speakers at the convention was Paul Ward, administrator of the Health and Welfare Agency which, in California, includes under its aegis the departments of Social Welfare and Rehabilitation. Mr. Ward stated that the Governor was taking action to make an objective investigation of California Industries for the Blind as requested by a committee of shop-workers and Council members. The only other definite plan which Mr. Ward outlined for the future was an increase in staff at the Orientation Center for the Blind. Three resolutions on rehabilitation were adopted. One recommended that the sheltered workshops be transferred from the Department of Rehabilitation to the Department of Social Welfare where the Council feels a healthier climate for future progress exists. Another resolution recommended the transfer of the Orientation Center for the Blind from the Department of Rehabilitation to the Department of Education. The third resolution recommended the transfer of Home Teacher Counsellor Services for the Blind from the Department of Rehabilitation to the Department of Education.

One of the most stimulating items on the Council's fall program was a panel discussion of the "flat grant" concept, ably moderated by Perry Sundquist, chief of the Division for the Blind, State Department of Social Welfare. Despite the wide variety of orientation represented by the panelists, all agreed that the "flat grant" concept would be feasible only if the amount of the grant were high enough to include the special needs which many recipients have met under the present system of blind aid. The same panelists, with one exception, remained for a discussion of "Cal-Flex." This panel was to have been moderated by Dr. Jacobus tenBroek whose absence was a keen disappointment to Council members. President Jim McGinnis served as moderator in Dr. tenBroek's absence. Cal-Flex is a series of proposals by the County Supervisors Association which would shift more responsibility for the administration of welfare from the state level to county control. The diversity of opinion regarding Cal-Flex was as consistent as was agreement regarding the "flat grant" concept.

At its spring convention the Council passed a resolution to look into programs for blind children in the public schools. To discuss this subject at this convention, the president invited Fred Sinclair, consultant-in-charge, California Department of Visually Handicapped, and Miss Joan Sweeney, consultant in Education of Visually Handicapped, Southern California. Mr. Sinclair emphasized the improvement in amounts of braille and large print

material now available to blind students, while Miss Sweeney discussed methods of teaching blind children in public schools. In some communities blind children are taken together to one school where they attend regular classes, but have a special teacher available at all times in a separate room where braille instruction, use of the typewriter and other necessary skills are taught. In other communities the blind child attends school in his own neighborhood and an itinerant teacher comes from time to time to offer assistance.

Alfred Gil, chairman of the Newel Perry Scholarship Committee, announced that the Council Office had sent questionnaires to colleges throughout California to determine whether there were blind students in attendance who might benefit from a Newel Perry Scholarship.

George McCann did an admirable job as master of ceremonies at the well-attended banquet. The banquet's high point was the presentation of the Council Citation for outstanding achievement in work with the blind. A very fine presentation address was offered by Perry Sundquist, a charter member of the Council, and the award went to another charter member, a friend beloved by all who care deeply about the organized blind movement, Dr. Jacobus tenBroek. Featured speaker at the banquet was Dr. Sethard Fisher, California District supervisor of the Community Action Program, Office of Economic Opportunity. It was clear from Dr. Fisher's address that the blind are not considered one of the disadvantaged groups to be served by the anti-poverty program.

On Sunday Dr. Isabelle Grant moderated a very fine and informative panel on "Services to Pre-School Blind Children." Dr. Grant emphasized in her usual direct manner the lack of real forward movement in this area. She suggested, indeed strongly urged, that efforts be made to institute Head Start programs for pre-school blind children in California.

Alumni of the California School for the Blind met for lunch on Sunday to elect new officers and to discuss the future of the school at Berkeley.

A report of the Resolutions Committee and the election of officers completed the Council convention. Resolutions revealed a desire on the part of the Council to continue its efforts to move forward in the area of welfare rights and to participate with other disadvantaged groups to improve the lot of the poor and under-privileged throughout the state. An example of such cooperation was a resolution passed by the State Employees' Union at its recent state convention to support the California Industries for the Blind workers in their struggle for a minimum wage and better working conditions. The Council passed a resolution commending the union for its action and strongly supporting the CIB workers.

New officers were elected as follows: president, Anthony Mannino,

Los Angeles; first vice president, Alfred Gil, San Gabriel; second vice president, Lawrence Marcelino, San Francisco; secretary, Beverly Gladden, Berkeley; treasurer, Sybil Westbrook, Sacramento; and Board members, Russell Kletzing, Sacramento; Dr. Isabelle Grant, Los Angeles; Allen Jenkins, Albany; and James Garfield, Los Angeles.

These officers will take over January 1, 1967, at which time the headquarters of the California Council will transfer from San Francisco to 205 South Western Avenue, Room 201, Los Angeles, California 90004.

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#### EDITOR'S LETTER

By Dr. Jacob Freid, Editor

Jewish Braille Review, November 1966

This is written on the eve of the Day of Atonement, when we begin to reflect on the past year's events, and ask for forgiveness for our sins of omission and commision.

As I write, the good news has come that Jacobus tenBroek has had successful surgery and is back with us as the non-pareil leader of our cause. May he have a full and rapid recovery and be with us for decades still to come as prophet and champion leading us into battle against things as they are and for things as they should be for the blind everywhere.

A stirring controversy within the New York City school system, centering on a new school in Harlem, highlights the problem of tactics and strategy in the struggle for minority groups to achieve equality of opportunity for first class citizenship. The cry, one might call it a lament, for a place in the sun after centuries of slavery and a full hundred years of the denial of the implementation of the ideals of the Emancipation Proclamation and the provisions of the 14th and 15th amendments of the Constitution, is in the process of being answered at long last. Using the dramatizing tactics of the freedom riders and sit-ins at first, these were heightened and intensified by picket lines, demonstrations and marches, culminating in the great march on Washington in August 1963, when more than 200,000 of us -- black and white together -- gathered on the mall and listened to Martin Luther King's inspired "I Have a Dream" oration. My daughter and I and William Pickman were part of that outpouring which marked the apogee of the association of all races in behalf of the rights denied to the Negro.

In the years that followed we picketed in sub-zero weather and raised bail money. We saw our endeavors reap victories in employment and in

integrated education and housing. Our local Chairman of Core, Lincoln Lynch, has since become the assistant national director under Floyd McKissick who succeeded James Farmer.

At the same time it has been acknowledged that the parallel fight of the blind under the leadership of its own National Federation of the Blind, was similar to and every bit as valid as that of the Negro attacking discrimination and in championing equal rights for the blind. The high dramatic points of this struggle were reached in the right to represent and organize hearings before Congress, and in the San Francisco march earlier this year.

Now the "black power" cry and the concomitant black nationalism represent an untracking of the civil rights movement into a dead end. The events at Intermediate School 201 in Harlem is an object lesson for all of us in our efforts of the blind "to overcome." When Miss Beryl Banfield, Negro assistant principal at IS 201 said "I object to being chosen on the basis of color, not competence," as she turned down the position of acting principal of the school, she summed up the conflict that has made this new \$5 million building a seething community problem.

The parents wanted community "control" over the running of the school including power to screen and veto the appointment of all teachers and administrators. The white principal Stanley Lisser, with an excellent record as a teacher and educator in Harlem, offered to resign. But his staff of 55 teachers, almost half of them Negro, declared they would not teach at IS 201 without him as principal. This was followed by the city's supervisors, principals and teachers declaration to the New York Board of Education that they would not tolerate interference with school staffs. Mr. Lisser's resignation was withdrawn, and demonstrators then tried unsuccessfully to block his return, shouting for a "black principal" as important to the Negro child's self-image.

It is unfortunate that there are only four Negro principals in the city's 840 schools. But only now are Negroes beginning to enter the system as teachers in substantial number. To waive criteria for Negro principals would accent the charge of white bigots who would use the fact of inferior professional preparation to "prove" racial inferiority. This is too close for comfort to the arguments that the disabilities of the blind require benevolent paternalistic agencies to shepherd them and to act as their wards, "protectors" and "benefactors."

Further, there is evidence that a white principal can be an effective, fully accepted force within a Negro community. The leaders of the blind have recognized and paid tribute to the able sighted directors of agencies who have worked with the blind as equals, compatriots, partners and allies to achieve the goals of the blind.

The danger of the insistence upon Negro and Negro-administered schools is that they would become segregated, and would be as destructive to quality as white apartheid was to the public schools of Virginia's Prince Edward County. Indeed the blind have never asked that their schools be staffed by the blind only. Rather have we also, belatedly, begun to insist upon integrated public school education for the blind.

Finally, the IS 201 controversy has highlighted the issue of citizen participation in running the schools and in influencing the choice of principals and teachers.

Here we begin to enter the COMSTAC minefield of standards which can blow up the unsuspecting blind who innocently attempt to walk across its hidden explosives. It is laudable to build a community council that will be a truly effective and closely cooperative PTA working together as partners for quality education. This essentially is what the blind ask for and must have if proper standards ~~are~~ to be set by and with the blind, not merely for them. Legitimately we cannot ask for less. The choice of a principal should not be because of color, but because of qualifications. Otherwise white parents would refuse to have a qualified Negro as principal of their children's school. The blind have experienced the truth of this only too often in the world of the prejudiced sighted in denying jobs and opportunities not on the grounds of merit and qualifications but because of sight.

What we have the right to ask is that the administrator and staff of an agency for the blind achieve rapport with his blind community, as for example, Mangovan in Massachusetts and Jernigan in Iowa. The participation of the blind is a must and can lead to impressive agency and state commission achievements. Participation, not control is our demand. Further we should encourage our best youth to prepare for administrative careers in State Commissions and agencies à la Kenneth Jernigan.

It is a compliment to our leaders and NFB affiliates that we have properly demanded our rightful due from COMSTAC, and that we are slowly achieving legitimate gains in our continuing struggle, while avoiding the excesses of "blind power" or extremist "blind nationalism" which have become the hemorrhaging ulcer draining the life blood of the civil rights movement.

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## PAKISTAN REPORT

For the first time in the history of blind welfare work in Pakistan, the blind participated in their own welfare planning. Blind men have been employed in open industry in Karachi and Lahore. A second grade Urdu braille is being formulated. And braille will soon be included as an optional subject in Karachi's schools of secondary and higher education.

These are the trails opened by the pioneering Pakistan Association of the Blind (PAB), and which are recorded in the recently-issued "Annual Report of Pakistan Association of the Blind for the Year 1965-66" by its president, Dr. Fatima Shah.

Dr. Shah founded the association -- Pakistan's first organization of the blind -- when inspired, encouraged and assisted by Dr. Isabelle Grant during her six months' stay in Pakistan, September 1959 to February 1960.

"[ This ] marks a new era in this field of work in our country and augers well for the future," says Dr. Shah of the invitation to her as PAB president to attend the high level Conference on Blind Welfare, held last February 8 at Rawalpindi under the chairmanship of the Central Minister for Education, Health, Labour and Social Welfare. More than a mere token participant, the PAB contributed suggestions of value to the blind. Among its proposals under consideration are:

1) Setting up local blind welfare boards with representatives from all government departments, private agencies, and organizations of the blind themselves to form policies and implement programs;

2) Appointment of placement officers for survey and employment of the blind in open industries and other competitive fields.

On the international level of its activities the Pakistan Association is an active member of the International Federation of the Blind and Dr. Shah is one of the vice presidents of the world body. Federationists of the United States will remember Fatima Shah from when she attended the 1964 IFB Convention in Phoenix and subsequently toured the United States, making numerous friends among local affiliates.

Heading the association's list of special projects is its own pioneer undertaking to place the blind workers in open industry and similarly competitive positions. To this end, the PAB has published a pamphlet, "Blind Workers are Good Workers," to distribute among potential employers in Karachi and Lahore. In a question-answer style, the booklet reasons that "to offer employment to a blind man or woman is a sound economic proposition." It goes on to back its statements with short biographies and pictures of blind individuals the association has helped to find successful

employment as tobacco and bicycle production-line workers, shop and stand salesmen, leather workers and hospital attendants.

To facilitate the placement project, the PAB is conducting a survey of industries and factories in Pakistan to compile a comprehensive list of jobs that require (1) long, specialized training; (2) short training in service or (3) no training except a probation period of practice. At the completion of the 1965-66 Report, fifteen industries had already been studied.

As basic as the right to work is the right to communicate with others. To give the blind of Pakistan a tool with which to better communicate with each other and their sighted countrymen, three association members have spent ten months working with the subcommittee of the National Federation for the Welfare of the Blind to formulate second grade Urdu braille. Urdu, also known as Hindustani, is the native Indian dialect. The association is now awaiting the World Braille Committee's approval on the manuscript. Once approval is received, transcription of Urdu literature into Urdu braille can begin.

Another step in education was the acceptance by the Karachi Board of Intermediate and Secondary Education on June 5 of PAB proposals to include braille as an optional subject in its syllabus. Not only will this aid blind students in their higher studies, but it will gradually build a reserve from which voluntary and paid transcribers will be available.

Further educational progress has been made to assist blind students who wish to study beyond the primary level, including a braille transcription service, a braille library service, scholarships and equipment. Also, the PAB grants loans to blind people for house repairs, medical needs and to establish small businesses. Often these needed supplies, services and funds are donated by concerned individuals and organizations from both within Pakistan itself and outside countries.

Yet, success in each Pakistan project has not been easily attained. For each advance, there are many setbacks. There is -- as the Pakistan Report says, "[that] work which cannot be measured by any statistics or figures, [which] is nevertheless hard and continuous. . .[it] involves the difficult task of changing the age-old attitudes and conceptions of the public at large about 'Blindness'. . .The attitude and habits do not change easily and this work of the association continues to reform the whole background."

## INDIANA CONVENTION

A healthy spirit of determined optimism prevailed at the Thirteenth Annual Convention of the Indiana Council of the Blind held October 7, 8 and 9 at the Vendome Hotel, Evansville.

Ways and means of developing new chapters were considered. Much interest was shown in reviving the Council Newsletter and a resolution was adopted directing the officers to make an investigation as to the possibility of re-publication -- to evaluate member and chapter interest, and to locate financing.

Two members of the Indiana General Assembly were present at the meeting of the Board of Directors -- to listen to blind people and to learn about the problem of blindness.

Mrs. Maud Ward, supervisor of Aid to the Blind, Indiana Department of Public Welfare, reported on planned changes and improvements in the State's program of Aid to the Blind. Howard Carroll, executive secretary, Indiana State Agency for the Blind, gave an accounting of his stewardship during the prior year. Reports were given on federal and state legislation, and on organizational matters.

Nearly 100 banqueteers listened attentively to Mrs. Jayne Baker Spain, owner-manager of a conveyor belt systems manufacturing concern, Cincinnati, Ohio, and vice chairman of the President's Committee on Employment of the Handicapped, as she talked as an employer of blind and otherwise disabled workers and gave reasons, based upon her own experience, why employers should hire them.

The 1967 convention of the Indiana Council of the Blind will be held in Indianapolis.

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## THE FUTURE OF THE FEDERATION

An Address Delivered by  
Jacobus tenBroek, President  
The National Federation of the Blind  
At the Annual Convention Banquet, 7 July 1966  
The Kentucky Hotel, Louisville, Kentucky

It would be easy and comforting on a ceremonial occasion such as this to recite our past achievements, count our blessings, and celebrate our virtues. We have come a long way together. Why not mark the occasion and let it go at that. Such was suitable for the 25th anniversary. This is the year after. It is time to take a long, hard look at what we are and where we are; to assess the obstacles and opportunities; to redefine our intermediate objectives, should that prove necessary; and to set our course. As Lincoln said in a speech that I shall quote further, "If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it." To say just that is what I shall attempt now.

One: A crisis reached and passed. We have passed through our hour of crisis. As Lincoln said about the nation in his famous "house divided" speech, the crisis either had to be met and overcome or the nation would perish. We met and overcame. Our role since has been restorative, first in binding up our wounds and then resuming our appointed tasks. At this convention, you have even gone so far as to resurrect a fallen leader.

One thing Lincoln did not emphasize in his famous speech was that there is always another crisis lying just beyond. It may not be quite as bad as Harry Truman found it in the presidency: just one damn crisis after another. But we can expect in the course of time other tests, some major, many minor, of our principles and our vitality. This seems to be a sociological law: action begets reaction; progress and retrogress are more often alternative than equilibrium. Apathy, cumulated grievances, imagined or real, conflicting personalities and personal ambitions, mistakes and misjudgments of leadership, the mere fortuities of events -- all these may upon any given occasion form a combination and instigate a crisis.

Pending that occasion, we must fully exploit these piping times of internal peace while we have them. We must improve the hours, days,

weeks, months and years with vigorous pursuit of program, creative adaptation to developing circumstances, and imaginative approach to new obstacles and opportunities. I believe that these are the demands of this very hour.

Two: Internal development. While the crisis was forming, when it reached its peak, and since it has passed, we have to some extent neglected the affiliates. Some of them have faded; one or two have fallen; others are limping along. We must now return to a stage of active building. Strength from the national organization must pulse throughout the system as well as strength from the affiliates pulsing to the central heart. We must renew our faith in ourselves and in our movement. We must do this by reinstituting our organizing efforts in states where we have no affiliates or where affiliates are weak or on the brink of dissolution. We must supply financial support and personal aid as resources become available to affiliates with programs requiring it. We must refresh recruitment of successful and professional blind persons as well as rank and file members. We must intensify legislative aid to affiliates which find this form of assistance advantageous. We must revive the system of survey teams in states where this is requested.

Our strength is not dependent on numbers but it is enhanced by them; and our representative capacity is what makes this organization what it is. Leadership, program, united and active support, tenacity -- these are the sources of progress and the secrets of success in the affiliates as well as in the national organization.

Three: Policy and program. In the familiar fields of our central effort and concern -- public assistance, vocational rehabilitation, employment -- our gains over the years have been substantial, significant, and now and then sensational; but they remain unfinished and perhaps always will. The most essential of them all, public assistance, still resists our effort to transform it from a juggernaut of serfdom into a vehicle of liberation. Long ago designed to keep men alive, the welfare system must be redesigned to make them free. All the wretched remnants of the poor law which cling like fossil leeches to the aid programs must be burned away. The means test, the requirements of time served by way of residence, the incubus of relatives' responsibility, the entangling liens and attachments, the pervasive blanket of paternal and custodial controls, the degrading network of surveillance, the extended arm of the district attorney and the prosecutor -- all must go. To see that they do, we must continue on the path we have been walking, a path that in large part we have blazed ourselves: step by step legislative and judicial improvement in public assistance; step by step incorporation of the blind within the social security program of disability insurance.

In the field of rehabilitation, the awesome gulf between dazzling promise and niggling performance can only be seen as the shadow of failure, if not as hope betrayed.

Of the estimated five million disabled persons in the United States today, not counting the undetermined number of annual additions to the rolls, no more than 120,000 are even claimed to be rehabilitated each year into employment. That figure hardly scratches the surface of the nation's need. Indeed, the scratch appears still more superficial in the light of some of the employments commonly accepted as adequate. Fifteen per cent of all of those rehabilitated end up in the occupation of homemaker, surely an important role in the family but scarcely a remunerative one in the economy. Again, some three percent of all of those said to be rehabilitated are employed, if I may so abuse the term, in sheltered workshops. The figures are still worse for the blind. No less than one-third of our people -- and these are the admitted figures of VRA itself -- pass through rehabilitation only to wind up in sheltered shops, as homemakers, or as unpaid family workers. Whatever that may be called and however it may be justified, it cannot be called vocational rehabilitation and cannot be justified as such. In those data are seen the spreading tendency to retreat from the vocational into the generally rehabilitative, to escape from the onerous tasks of specifically vocational training and placement in remunerative occupations in open employment into the welfare functions of self care, work therapy, and pastime endeavors; into the medical functions of curing disease, improving health, and physical restoration; and into the educational functions of developing self-knowledge, imparting knowledge of the ways of society and one's potential role in it, orienting to what is as well as to what need not be, and instructing in basic skills.

These are not my criticisms alone. Let me quote the words of Professor Herman Somers, a recognized authority on the Princeton faculty: "Despite unqualified and universal lip service to the principle of rehabilitation," Professor Somers writes, "we have hardly begun to exploit its possibilities, to our great loss as a society." Why? Because of "lack of faith, lack of personnel and facilities, reluctance to make the initial capital investment, and growing indifference as we become accustomed to living in a labor surplus economy."

"I thus must end," says Professor Somers, "on the pessimistic note that the disabled are likely to remain among the most unfortunate disadvantaged in our population for the foreseeable future."

In the field of rehabilitation, our policy must be, so far as we can possibly achieve it, to stay the headlong flight of these agencies from their primary if not their exclusive function of seeing to it that

disabled persons, including severely disabled persons, get training for remunerative jobs and then are placed in such jobs. In working toward the end of vocational rehabilitation, these agencies will have our help and our prod.

In the programs of public assistance and vocational rehabilitation, the future will bring increasing problems for us in maintaining our separate identity and in securing attention to our peculiar needs. Pressure will continue to mount for the abolition of the categories in aid in favor of the common melting pot of title XVI or some other form of so-called integration and in favor of casting the blind into the common stew of general rehabilitation.

We must resist these pressures with renewed determination. We must demand to be seen and heard in our authentic image -- as persons whose special needs are governed by blindness and by nothing else. We are blind, not paralyzed, however much the rules of society and the attitudes of the public may tend to immobilize us. We are blind, not mentally defective, however mad may be regarded our normal aspiration to live self-supporting and contributing lives. We are blind, not indigent, however impoverished we may be from social rejection and lack of opportunity. As a group, we have been a long time securing an identity appropriate to our true condition -- a long time rising from the alms house to which all disadvantaged souls were once consigned as to a bone yard. We do not wish to return. We are still not well enough defined or identified -- apart from others of the physically disabled, apart from stereotype and superstition, apart from administrative convenience and simplification.

We who are blind are not disabled merely; we are not disabled mainly. We are not as a group bedridden or chairbound or incompetent or infirm. We are normal men and women who cannot see.

Four: The right to live in the world. We must secure legislative enactments and judicial decisions to safeguard and enforce this right. The right to live in the world means that the disabled are not to be confined to their houses and institutions, threatened if they emerge, not only with social sanctions but with legal sanctions as well, in the form of legal barriers, disadvantages and inadequate protections. Nature may confine them to an iron lung, a bed, a wheel chair, straps, braces, and crutches, or moldering in health and idleness in chairbound blindness; but mistaken public and family attitudes and the dependent law may not so confine them. Such would in effect be a form of house arrest which in the houses of the poor may not be noticeably better than outright imprisonment. Because of the importance of the right to be abroad in the community, personal liberty, in this basic sense of the right not to be

unjustly or causelessly confined, has been taken as a fundamental natural and social right in Chapter 39 of Magna Carta and the Due Process Clause of the Federal and State Constitutions. If the disabled have the right to live in the world, they must have the right to make their way into it. Therefore they must be entitled to use the indispensable means of access on terms that will make the original right effective. They have a right, on such terms, to the use of the streets, walks, roads, and highways. This is a rock-bottom minimum. The right to gain access to the world in which they have a right to live must also include, as a part of the same rock-bottom minimum, the right to utilize the common thoroughfares by riding in common carriers. Upon descending from these, or independently of getting into them, for that matter, the disabled have a right of uninhibited and equal access to places of public accommodation to seek their ease, rest, sustenance, or recreation.

Five: New horizons and new allies at home. If the outer world is in a state of flux and change, the scene at home is closely parallel. We are witnessing in our country today an upheaval among the poor and disabled which bids fair to remake the map of public institutions and rewrite the statute books of welfare. Within the past few years established patterns have been wiped out, giving way to novel alignments and constellations, to new groupings and rising demands. The most spectacular of these developments is the exploding movement of the poor themselves--galvanized by the War on Poverty, inspired by the successes of civil rights. All over the land coalitions of the poor have been taking form and taking action, based in some part on the recipient categories of public welfare.

One phase of this uprising is the emergence of newly defined groups of the disabled and the deprived -- both national and local, general and specific. They make clear that the day is gone when we held the field of self-organization among the disabled almost alone. Today we are surrounded by kindred groups with similar purposes. How should we respond to their ideas and actions? One way is to stand aloof, in splendid isolation with the haughtiness of early arrivals on Plymouth Rock. At the other extreme we might merge our cause with theirs and become assimilated within a general movement of the disabled and deprived.

I propose that we do neither -- rather that we assume the role of active and sympathetic collaborator, sharing our experience and giving freely of our knowledge, contributing our counsel where requested -- but maintaining our independence and adhering to our separate course.

In short, our posture toward others of the physically disabled and deprived should be neither that of alienation nor amalgamation but

of active alliance. Where our frontiers meet and our interests coincide, let us act together for our common benefit; where our needs diverge and our problems differ, let us recognize and honor those distinctions.

An example of what such differences may be is provided in the vast apartment complex now being built in the city of Toledo, Ohio, expressly for the disabled and elderly, at a cost of two and a half million dollars. With all its skillful design and good intentions, this housing project appears to be as segregative and stereotyped as any old-fashioned home for the crippled and indigent -- where the inmates might be grateful, docile and unseen. Not only will the residents live, congregate and snack together, but they are also to work together: the building is linked by tunnel to the community sheltered workshop.

That conception of a separate institutional setting may or may not reflect the needs of some disabled groups -- but it is directly contrary and profoundly repugnant to the basic philosophy of the organized blind.

We have in common with all men that we are human; but this does not drive out our recognition of individual differences. We have in common with all disabled groups that we lack a physical capacity; but this should not prevent our recognition of the important differences in kind, in character and in consequence among the various impairments that flesh is heir to.

Six: The Kennedy Bill revisited. The rise of new organizations of the disabled and the deprived is but one phase of the revolution of self-consciousness and self-expression on the part of the invisible legions of the poor whom Michael Harrington has called "the Other America." In point of fact this revolution of human rights has already found official sanction in the War on Poverty -- in the Economic Opportunity Act. The heart of that statute, which became law two years ago, is its establishment of community action programs under Title II, defined as programs which are "developed, conducted, and administered with the maximum feasible participation of residents of the areas and members of the groups served."

Does this concept ring a bell in your memory? Where have you heard such sentiments before? Title II of the Economic Opportunity Act is none other than the Kennedy Bill writ large. The very object of that bill, introduced on our behalf by Senator John F. Kennedy in 1957 but never passed, was to guarantee to blind people the right to self-expression through their own organizations -- the right to organize and be consulted in the programs affecting them.

In and out of the poverty programs the poor are organizing, congregating, demonstrating all across the land. They are taking charge of their affairs, changing the landscape of their communities, shifting the power balance of their city councils. They are demanding to be heard and consulted -- not in terms of tokenism but in terms of "maximum participation."

Time and tide wait for no man and no organization. We were ahead of our time once. In the Kennedy Bill we were the prophets of maximum feasible participation. Now that others have caught up, let us not lag behind. Let us recapture the spirit of the Kennedy Bill, and revive that cause in its essential purpose: namely, to maximize our own participation in the decisions and policies affecting our well-being.

There is still ample need to assert our right to organize. Wherever we find a company union of sheltered workers, that right requires to be exercised. But the greater need, and the brighter opportunity, has to do with the right to be consulted, to be admitted to the councils of policy and administration. That right cannot be satisfied by the mere appointment of an occasional blind person to a board or a commission, however able the blind person or important the board or commission. He may be or may become the spokesman for other and perhaps antagonistic interests. More likely, he may be or become the cipher of the powers that be in the agency. He may be or become the token of their acceptance of the principle of maximum feasible participation. He may be or become in effect their hostage for the good behavior of the blind from whose ranks he may have been chosen. The blind are consulted in the sense of the principle for which we contend only if they are allowed to express our views where and when they count, through blind spokesmen who are their representatives, selected with their assent if not actually chosen by them, and retaining not only the support of the blind but a continuing and lively sense of accountability to them. An illustration of one possible method of giving effect to the principle of participation is contained in a Welfare and Institutions Code section adopted by the Legislature of California in 1965:

It is the intent of the Legislature to encourage and aid organizations of recipients to conduct demonstration and experimental projects designed to promote a more effective and efficient system of public aid and service. The Legislature intends to encourage the participation of individuals on public assistance to the fullest extent in the workings of the public welfare program and . . . hopes to provide a mechanism for organized groups of recipients

to mobilize their resources and through concerted and cooperative action contribute solutions to the economic, social and personal problems which tend to prolong dependency.

Seven: Old poor laws and new conceptions. It has been our special strength as a social movement that we have suited the action to the word, and the word to the thought. Our enterprise has been at once a movement of action and a movement of ideas, with each dimension energizing and fortifying the other.

We have played, and continue to play, a pioneering role in what might be called the philosophical exposure of the law of the poor as a separate, distinct and discriminatory structure in welfare and elsewhere. By historical research, current analysis making explicit patterns that are implicit, we have carried forward the work of theory and doctrinal evaluation. The product of our thought and investigation has found its way into conferences, articles in scholarly journals, addresses and discussions. We have stimulated and provoked others to join the campaign and take up the cause.

In our movement, today as ever, ideas are weapons -- often the ultimate weapons. As we disseminate knowledge of the enormity of the legal gulf separating the "two nations", the nation of the poor and the nation of the comfortable, as we intensify the understanding of scholars, judges, lawyers, legislators and planners concerning the inequality and injustice of this dual system of law, as we may claim the necessity of applying the constitution to our welfare system and bestowing its benefits on the poor -- great new vistas of social and human improvement open up.

Welfare and other provisions for the blind are part of the over-all system of the law of the poor. While compared with other groups who inhabit that region, their lot may be special and favorable, they cannot gain ultimate release into the larger community until that over-all system is demolished. Once that is done, the constructive work of positively fitting them into the law of the new environment still remains to be performed. This, too, is a particular responsibility and opportunity assigned to us.

Creatively we must discern and formulate the ways in which the policy of integration of the blind into society must result in reorganization of society and its laws. We have engaged in this process with considerable success in the field of public assistance. Employment in the public service and for teachers in the public schools are other areas --

areas in which we explored the legislative approach to striking down legal and administrative barriers. A new effort on this front only now brought to completion will be published under the title of "The Right to Live in the World: The Disabled in the Law of Torts". That monograph consists of an attempt to reformulate in this field standard legal doctrines in order to adapt them to the goal of integration. This intellectual work of creative adaptation, of finding new formulas, new constitutional, legislative, and legal approaches to orient and re-orient the whole legal legislative structure to the over-all conception of the integration of the blind must continue to receive our best efforts. Before the action must come the thought; before the deed must come the doctrine; before the organization must come the conception; before the preacher must come the gospel.

Eight: Agencies for and against the blind. Let us begin the discussion of this topic with a basic fact. Agencies for the blind are a problem for the blind. The problem is not what it was in 1940. Then the agencies had spoken for the blind without let or hindrance. There was no one to test their claim of superior knowledge. There was no one to contest their claim of authority and representation. In a quarter century the organized blind have changed all that. Throughout the land it is understood that the blind are organized, that they can and do speak for themselves, that they have knowledge of their own problems and the proper solutions, that agencies often reflect their own interests which are not infrequently conceived of as conflicting with those of the blind. Now, just as colonialism is on the way out, so custodialism is in retreat. The blind are no longer the agency man's burden. After a quarter century of association and action the blind have proved their claim to self-direction and their right freely to speak, to organize, to petition, to be heard, and to be believed.

Today in this country there are agencies which choose to work not for the blind but with them as collaborators, colleagues, and co-equals. Among them are such agencies as the Commission for the Blind in Iowa, the Division for the Blind in California, and the Massachusetts agency which the blind are seeking to retain by legislative action.

Moreover, in at least one dimension of action agencies have learned to work side by side with the organized blind. For years we have formed a common front for legislative purposes, a coalition which has resulted in great gain for the blind of the nation.

There are agencies that affect towards us a posture of indifference and a mask of neutrality. There are agencies -- such as the Department of Rehabilitation in California -- which regard it as their special mission to fight the blind at every turn and with every weapon.

There are agencies such as a number of sheltered shops which believe it is their function to control, suppress, and sweat the blind. There are agencies such as the Community Services for the Blind in Seattle whose paternalism is out of this world. Listen to this statement from that agency's director -- a veteran, incidentally, of many years service with the American Foundation for the Blind. The statement was sent to a group of blind people who occasionally meet on the premises of the agency. It was preceded by a declaration of devotion to COMSTAC and its standards:

Since we bear considerable responsibility for any individuals or groups that utilize these facilities and services, we are required to ask you to furnish us with a copy of your constitution and bylaws. We would also like to have from you, in writing, a list of your elected officers, with the designation of that person who is our direct liaison, and whenever this would change we would like to be informed. Further, it is essential that we request that you consult with us before you engage in any fund raising program, or any organized political activity. This is solely because we need to be aware of these matters, and also could not condone any such activities which would in any way be contradictory to our principals [ sic] and practices, or which would be, for one reason or another, embarrassing. We believe that this establishment of principals [ sic] and practice will be helpful to you, as well as to us.

Most agencies taken as a lot resist the principle of maximum feasible participation by the blind themselves in their decision-making process and administration. We have had a striking example of this recently in the World Council for the Welfare of the Blind which bitterly fought all attempts to gain for organizations of the blind the representation which is their due.

Now comes COMSTAC, the latest, greatest, and most ominous of all agency efforts to dominate the field to the exclusion of the organized blind. The title in full is Commission on Standards and Accreditation of Services for the Blind. COMSTAC's twenty-two autonomous members -- for so they describe themselves -- are self-appointed; its tasks are self-assigned; its authority is self-arrogated; its special knowledge is self-proclaimed; its actions are self-serving. The

standards it presumes to set for others are mis-conceived, mis-directed, and mischievous. Its outlook is paternalistic and condescending. Its interest in the content of program is incidental if not accidental.

We would and do join in every legitimate effort to improve the qualifications of workers for the blind -- that is, to insure that they become more wise, more perceptive, more humane, and more imbued with sympathetic understanding. We would and do join in every reasonable effort to improve programs for the blind -- that is, to see to it that they liberate our people from self-imposed and socially imposed restrictions, to restore them to normal lives and normal livelihoods. But these are not the goals of COMSTAC -- those twenty-two autonomous men who would destroy the autonomy of others. Their highest hope -- may it be a forlorn one -- is to create a profession out of irrelevant and immaterial qualifications, and to devise programs for human beings out of the whole cloth of myths and stereotypes and the stuffing of physical plant and paraphernalia.

For all its bright and shiny newness, COMSTAC in reality is obsolete. Its philosophy of goods and services derives from an earlier age in which the recipients at the end of the line were simply human objects to whom things were done. Those were the good old days, before the revolution in welfare. But the revolution has come -- and has brought with it recognition of the recipient not as a passive object of professional manipulation but as a responsible participant in the making of decisions that affect his life and the administering of programs that bear upon his welfare. Of all this COMSTAC is unaware -- and disinterested.

In George Orwell's fantasy of the future totalitaritan state, 1984, the name of the ruling tyrant is simply "Big Brother". In the course of the novel it is increasingly borne in upon the reader that this totalitarian authority -- obviously highly trained and thoroughly professional, administratively expert and politically astute -- is not one man at all but a committee of men: a kind of politburo or bureaucratic elite, whose title might well be the Commission on Standards and Accreditation of Services.

Nine: New horizons overseas. The dream that we have dared to dream -- of blind people free and united, self-expressive and self-sufficient -- is a dream that knows no geographical boundaries. Just as we are committed to carry the message of federationism to the towns and hamlets of America, so should we carry it to the blind in other lands as well.

At Detroit, four years ago, we took the first step toward the creation of a world organization of the blind themselves. At Phoenix,

two years ago, we helped to lay the cornerstone of that organization and voted our formal participation. In New York, shortly after, we joined in building the actual structure of the International Federation of the Blind -- and one of our number became its first president. Since then, the first implementive steps have been taken, more organizations of the blind in additional nations have become affiliated, and both the high prospects and the huge difficulties of this grand design have daily become more apparent. Yet these beginnings are only beginnings.

Without distracting from our efforts here at home, we must continually find new ways to aid our fellow blind in other lands. Without in any way distracting from the fact that we are citizens of this great nation and blind persons in this land of wealth and opportunity, still we must recognize and discharge our obligations as citizens of the international community and as blind persons in a world where their status is that of abject poverty and dismal lack of opportunity. Without in any way diminishing our labors in the NFB, we must lend full support to the IFB.

Why should we do this, when there yet remains so much to be done here at home? One answer was given by President Kennedy in a foreign aid message to Congress: "We have not only obligations to fulfill," he said, "we have great opportunities to realize. History will record that today our [foreign aid efforts are] giving hope where hope was lacking, sparking action where life was static, and stimulating progress around the earth . . . helping to build the kind of world community of independent self-supporting nations in which we want to live, and helping to serve the deep American urge to extend a generous hand to those working towards a better life for themselves and their children."

We may think of our contribution to the cause of the world blind in this way, too. It is not that we owe it to others; we owe it rather to ourselves. Our commitment to the world is not so much an obligation as an opportunity.

Why should we do this? We should and must do it because we are human beings and we are tied to blind people everywhere by indissoluble bonds of humanity. We must do it because we have the strength, the experience, the knowledge, and the opportunity. We must do it because of our common disability, our common life experience, however varied the society, our common burden of the misunderstanding of others, our common suffering from an irrational discrimination that is universal.

Finally, we must do it not only for the good of our souls but for the good of the NFB. Shocking as it is to many Americans, we can learn something from our colleagues overseas. We don't know all there is to know about organization of the blind, about possible and desirable

projects and programs, about the ways of the blind in society. In some respects, some organizations of the blind abroad have made greater progress than we. It behooves us to tap their experience, to share their wisdom, to savor their triumphs, and to draw upon their sources of strength.

John Donne has taught us that no man is an island unto himself. Just so, each continent is a part of the world.

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#### NEW JERSEY CONVENTION

How to protect existing employment opportunities and how to secure new employment opportunities -- these were the concerns of members of the State Council of New Jersey Organizations of the Blind throughout the organization's 9th Annual Convention, October 15, at the Empress Motel, Asbury Park.

There was a panel on employment with a speaker from the state Anti-Poverty Program, blind computer programmer, a speaker on Workmen's Compensation, with John Nagle, Washington Office Chief of the NFB, acting as moderator of the panel.

Organizational reports were read and acted upon.

Resolutions were considered and adopted.

And, following the custom established in recent NFB conventions, numbers were drawn and prizes given out -- at expected and unexpected times during the convention.

"A New Method to Solve Old Problems" was the title of the address given by Nagle at the convention banquet with nearly 150 members and friends of the organized blind in attendance.

Elections were held and the following persons were elected to a one-year term of office: Myles Crosby, president; Harold Diaker, first vice president; Vennie Fedelin, second vice president; Nicholas Kovak, secretary; and Henry Dusher, treasurer.

Immediately after the election and acting in accordance with a constitutional requirement, President Crosby named three persons to be

members of the Executive Committee: Stanley Spaide, Eugene Kirkland and Virgis Spell.

The convention voted to hold its 1967 convention again in the Atlantic Shore city of Asbury Park.

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### GLASSES FOR OVERSEAS

By Isabelle L.D. Grant

For the last six years, the National Federal of the Blind has been sponsoring a project to send used eye glasses abroad. The project originated in Karachi, in the winter of 1959, when Ifteqar Hussain, president of the Lions Club of Karachi, approached Dr. Isabelle Grant, at that time residing in Karachi, with the request that such a project be initiated. The project has continued uninterruptedly since then, with a record of over sixty thousand pairs of glasses having been dispatched as of now. Affiliates all over the nation have participated in the project.

We again express our gratitude to CARE for assistance in the transportation free of charge of the packages overseas. This is a real service on the part of CARE in the interest of persons abroad who are in need of eyeglasses and cannot afford to buy them. These glasses are turned over by CARE to local philanthropic groups, like the Lions Clubs and eye clinics, where the glasses are measured for the amount of correction they contain, filed, then distributed to needy persons according to their visual acuity needs.

As a result of consultation with Howard Powell, Deputy Assistant, CARE, New York, in July 1966, and in accord with a suggestion made by Mr. Powell for improvement in the plan, affiliates are requested to take note of new arrangements for the future set out below.

#### Wrapping and Shipping

Affiliates should set up assembling centers for local areas with a person in charge.

Glasses are to be wrapped separately, preferably in tissue paper inside the eyeglass case. Cases are not necessary if glasses are well separated. When single lenses -- that is, without frames -- are sent, these also should be singly wrapped to prevent scratching and other damage.

### Packing

Use medium to large-size cartons. Do not under any condition send small packages, shoeboxes or manila envelopes. Smaller cartons may be packed inside larger ones to prevent movement and breakage.

Cartons should then be sent to our Pennsylvania affiliate, where Miss Gertrude Duly will take over. Her address is:

Miss Gertrude Duly  
Lighthouse for the Blind  
1101 W. Lehigh Avenue  
Philadelphia, Pennsylvania 19133

Affiliates assume the responsibility for expressing the cartons to Philadelphia. Local philanthropic organizations could well assist in this expense.

Gertrude has kindly accepted the responsibility of receiving the cartons at the assembling station. The cartons will be checked for security and strength of packing. They will not be unpacked. Gertrude will stamp the cartons with the NFB stamp and deliver them to the wharf warehouse of CARE in Philadelphia. They are then transferred to large drums for overseas shipping. UNDER NO CONDITION MAY EQUIPMENT, SUCH AS BRAILLE WRITERS, PAPER, TYPEWRITERS BE SENT THIS WAY: ONLY EYEGLASSES.

### Destination of Packages

Packages from the NFB will be sent as before to Pakistan and to India. It is possible that when satisfactory contact is made and requests received, packages of glasses may be sent to some other country where CARE has an office, such as Sierra Leone or Central Africa. Packages of glasses are never sent to individuals under this arrangement.

Please address questions regarding the project to:

Miss Gertrude Duly  
1522 W. Erie Avenue  
Philadelphia, Pennsylvania 19140

or to:

Dr. Isabelle L.D. Grant  
851 West 40th Place  
Los Angeles, California 90036

## CHARLES MONFRADI DIES

Charles Monfradi, in his third one-year term as president of the West Virginia Federation of the Blind, died October 4 at the age of 51.

He was the last surviving member of the trio -- which included C. C. Cerone and Tom Minns -- which founded the Wheeling affiliates, Sightless Workers' Guild of Wheeling. Continually interested in the welfare of the blind and cognizant of their needs in his state, Charles represented the Workers' Guild on the executive committee of the State Federation until he became president in August 1964.

In February 1944 he joined the armed forces and exactly two years later was wounded in action, which resulted in his blindness. Given an honorable medical discharge in March 1946, Charles returned to civilian life to become a radio and television repair man.

He is survived by his wife, Lucy; son, Charles of Pittsburgh, Pa.; and daughters, Mrs. Larry (Mary Louise) Michelangelo, also from Pittsburgh; Mrs. Lee (Linda) Morgan, of Wheeling; and Marlene, Lucille and Joanne -- all at home.

The following MONITOR article, WVFB PRESIDENT AND FAMILY, is reprinted from the West Virginia Federation's year book as it clearly depicts the personal quality of Charles Monfradi.

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### WEST VIRGINIA FEDERATION PRESIDENT AND FAMILY

By Jean Ann Chambers

(From the 1966 Year Book of the West Virginia Federation of the Blind, Inc.)

Charles Monfradi is the president of the West Virginia Federation of the Blind. He is well known for his untiring work with the Federation and his desire to obtain equal opportunities for the visually handicapped, and his qualities of intelligence, understanding, integrity and courage have marked him as an outstanding leader. Even though I am a new member of the "Federation" I can sense the inspiring influence and guidance of this man. Before I ever heard of the Sightless Workers' Guild of Wheeling I came to know his discernable greatness. Because of Charlie I have met a whole wonderful family -- the Monfradi's.

A few weeks after I lost my sight last August, Charlie started to call me and converse with me on the telephone. At first I wasn't very responsive to his proffered help and friendship, but Charlie doesn't give up easily. Soon the questions that I could not ask a sighted person were being answered. Even the smallest incidents and feelings were being shared and understood. He always find time to listen when something goes wrong. When my world temporarily falls apart, I am not alone, for Charlie's patient words convey his sympathy. If you're ready to throw in the towel, he'll toss it right back at you with renewed encouragement. You just don't give up if you're going to be a friend of Charles Monfradi. The need of his friendship became more important to me than the desire to hide behind my own righteous self-pity and fear. I rise to meet the challenge of his ideals, and I become a better person just by trying to achieve them. Charlie taught me how to put the people around me at ease, and how to smile even when my heart is breaking.

Because Charlie tried things, I tried them too. If he could clean the refrigerator and wax the furniture, so could I. My attempts at performing various tasks were usually successful. Charlie brought me into his home and led me around the rooms, showing me how to locate objects and find my own way. He placed a slate and Stylus in my hands and taught me how to read and write Braille.

There was a thrilling pride when once again I was able to read something that I myself had written.

I might have learned these things without the help of Charles Monfradi, but I'm glad I didn't have to try. He lends me confidence and strength from the facets of his own character. He gives of himself, of his mind and heart and energy, and this is a priceless gift. Charlie stands at the doorway to the world of Blindness, saying to me, "I know you don't want to be here, and I understand, for I don't want to be here either; but take my hand and I'll help you." And he did.

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#### MASSACHUSETTS CONVENTION

By Rosamond M. Critchley

This year the Associated Blind of Massachusetts itself played host at its convention, as no chapter was in a position to do so. The convention took place Saturday and Sunday, October 1-2, at the New Ocean House, a beautiful old seaside hotel in Swampscott.

"Progress through Effort" was the theme, and a most stimulating program was built around it. The keynote speech, "The Progress We Need," was delivered by Dr. Edward J. Waterhouse, director of the Perkins School for the Blind. "Are Present Rehabilitation Methods Sufficient to Meet the Changing Needs of Modern Industry?" was discussed by a panel moderated by Joseph Jablonski which included Commissioner John F. Mungovan and George Trelease of the Commission for the Blind, and Robert Gildea, former long-time blind employee of the Radio Corporation of America.

Inspiring talks were given by Dr. Thomas A. Benham, blind physics professor at Haverford College, on science for the blind and Robert J. Smithdas of the Industrial Home for the Blind. The 166 banquet attendees were addressed by Dr. Jacob Freid, executive director of the Jewish Braille Institute of America.

One resolution passed by the convention strongly recommended that each chapter appropriate enough money for convention delegations so that as many members as possible may attend. The Resolutions Committee had stricken out a section of this resolution which provided that the ABM consider approaching the Commission to propose a more liberal allowance for aid recipients who belong to organizations, thus enabling them to participate more fully in their activities. With this section reinserted, the resolution was adopted, and it was suggested that this last item be placed on the agenda of a liaison meeting.

Among other resolutions adopted were: 66-03, for the ABM to appropriate \$50 to each new chapter to help it get started; 66-04, protesting the deletion of so-called "objectionable" passages from books and magazines which are put into Braille or records; and 66-05, that the Executive Committee take necessary steps to have the ABM incorporated. 66-06, which recommended that each chapter shall host the convention once in nine years, was defeated.

The remaining seven resolutions were based upon those passed at the National Federation of the Blind convention. All were adopted as presented, except that wherever the word "staff" appeared, it was omitted, and the word "Legislature" was substituted for "Congress." They are: 66-07, on disabled rights; 66-08, thanking Senator Randolph for introducing the Randolph-Sheppard Vending Stand Act amendments; 66-09, deplored and condemning COMSTAC; 66-10, endorsing the model white cane law; 66-11, pledging support to HR 10604; 66-12, to combat discrimination in housing projects against blind people with guide dogs; and 66-13, on antipoverty.

This was one of the happiest conventions we have had, with everyone in good humor and friendly. This reflected our feeling of triumph

and accomplishment occasioned by the creation of our new Commission for the Blind and the appointment of our good friend John Mungovan to head it. Senator Kevin B. Harrington, who sponsored the bill and whose efforts in its behalf made much the difference between success and failure, was featured as one of our speakers and was presented with a special citation expressing our gratitude and appreciation.

By convention vote, the 1967 ABM annual meeting will be hosted by the Associated Blind of Fall River.

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#### NEW MEXICO VENDING STAND HEARING

In terms of chronology New Mexico's program of services for the blind must progress decades before it can in any way be classified as up to date and in line with modern concepts of rehabilitation and welfare. In many ways the program under the Division of Services to the Blind is outmoded in its objectives and in particular in its approach to the problems of blindness.

The occasion for review of New Mexico's blind service activities was the unceremonious dismissal of Elbira Chavez as a blind vending stand operator in June of 1965. The New Mexico Federation of the Blind has been seeking to gain a fair hearing for Miss Chavez. The agency finally scheduled a hearing for late September of this year. The enthusiasm with which the agency acted might be gauged by the 15 month interval which elapsed between the dismissal and the public airing.

As the testimony proceeded several allegations were made which were not challenged or denied by the Division. The Division's own legal counsel indicated that the sum total of the training provided to Miss Chavez prior to her assumption of responsibility for her stand consisted of her being able to identify coins and to make change. The agency did not feel compelled to give stand operators any preparation in such areas as record keeping, merchandising, display techniques, maintaining an attractive stand, public relations, upkeep of equipment including vending machines, and generally how best to appropriately meet the needs of the customer. Is it any wonder that from time to time blind operators encounter difficulty?

Juan Burciaga, counsel for Miss Chavez, who donated his services, developed testimony which clearly showed that the agency had blatantly disregarded Federal regulations. Those regulations require that every operator be furnished, in writing, a copy of the policies and procedures employed to supervise a vending stand program.

A significant portion of the hearing discussion centered around the proper maintainance of the vending stand. According to the testimony given, the stand in question had had a faulty soft drink machine for several years. Trouble with this machine had occurred before Miss Chavez took over the operation and incidentally, has continued after her departure. When Miss Chavez protested to the agency about the condition of the machine and the syrup which leaked onto the floor, she was told to contact the company which owned and serviced the machine. After several unsuccessful attempts by the company to repair the machine the Supervisor from the licensing agency told the blind operator that if she did not like it, she knew what she could do about it. Miss Chavez construed this to mean that she had been fired and departed. The position of the agency was that this statement did not constitute dismissal and that the operator had really left of her own volition.

So the circumstances were these: a person with little or no training is put in charge of a vending stand which has faulty equipment and machines that leak syrup within and beyond the stand proper, creating a hazardous condition for customers and operator alike and detracting from the attractiveness and efficiency of the whole operation. The agency has at its disposal Federal funds for the purchase or repair of needed equipment. When the operator contacts the agency after repeated efforts to resolve the matter, she is summarily informed that if the situation does not suit her, she knows what she can do about it. Section 404.13 of the Federal regulations is absolutely unequivocal: "The licensing agency shall maintain (or cause to be maintained) all vending stands in good repair and in an attractive condition and shall replace or cause to be replaced worn out and obsolete equipment as required to insure the continued successful operation of the stand." Agencies throughout the Nation speak volumes about negligent and careless operators and about how difficult it is to make a productive worker of a blind man. The New Mexico episode clearly indicates that the fault may lie elsewhere -- namely, on how the agencies meet their regulations and to what extent administrators follow Federal regulations.

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#### PENNSYLVANIA CONVENTION

By Frank Lugiano

Nearly 200 persons attended the 30th annual convention of the Pennsylvania Federation of the Blind in Scranton, the weekend of September 16-18.

The convention opened with welcoming remarks by the mayor of Scranton, James Walsh. Reports got underway with State Federation President Frank Lugiano's on the moving of the Federation's office from Philadelphia to Wilkes-Barre where modern machinery is being shared with the Luzerne County Federation of the Blind.

As editor of WE THE BLIND -- the semi-annual journal of the Pennsylvania Federation, Rita Drill told of difficulties in obtaining material and also, advertising, which pays publishing costs. With the death of A. R. Fink, who was its sales manager for the last 30 years, the problems have become more acute.

A field representative of Northeastern Blue Cross and Blue Shield, Tom Jones, discussed Medicare. Dr. Freddie Spruill told of successful Philadelphia Lighthouse projects, such as the children's summer camp and various adult classes. The importance of recreation was covered by Leroy Price, executive director of the Williamsport Association of the Blind. The Ways and Means Committee plans a 1967 raffle to also benefit local participation chapters.

The convention accepted a proposal by James Barral to form a junior blind artists' group which would give local concerts to benefit the chapters and to provide a creative outlet for the development of talented blind musicians.

Certificates of merit were presented by President Lugiano to Charter Year Member Evelyn Pickens, who has served the Federation for 30 years in various capacities, including treasurer. Also awarded merit certificates were Mrs. Jennie Wildermuth and Franklin R. Seaman, sighted members of Reading's Good Neighbor Club.

When the president gave the 1966 NFB Convention report, he announced that Dr. Mae Davidow, Pennsylvania Federation secretary, had been elected to the NFB Board of Directors.

To thwart efforts to destroy the effectiveness of the legislative planning group -- composed of all agencies for the blind and organizations of the blind in Pennsylvania -- William Murray, director of the York Center for the Blind and PFB secretary, introduced a resolution to continue efforts to preserve the group. It was adopted.

The continuance of the Keystone Alliance meetings was another resolution adopted by the convention. Held annually the last Saturday of April in Philadelphia, the Keystone Alliance is composed of all state surrounding Pennsylvania. Other resolutions: (1) to adopt the PFB budget of nearly \$12,000 for the ensuing 18 months; (2) to print another edition of the PFB brochure, which many found so helpful.

## JERNIGAN ADDRESSES OHIO AGENCY STAFF

On September 19, 1966, Kenneth Jernigan, NFB first vice president, spoke to the assembled professional staff of the Ohio Division of Services for the Blind. The Ohio Welfare Department in which the division is located has recently undergone a reorganization. Included in the division are rehabilitation of the blind, home teaching, vending stands, distribution of talking book machines, and other services.

The occasion for Mr. Jernigan's appearance was a two-day staff meeting and seminar attended by all personnel of the division. Many of the more than forty people present from throughout the state indicated familiarity with Federation philosophy and activities, and quite a number said they were regular Monitor readers. Jernigan was the key note speaker. After his address, he conducted a question and answer period for the remainder of the afternoon.

"The philosophy of every professional worker in the field," Jernigan said, "must come to this: The average blind person can do the average job in the average place of business and do it as well as his sighted neighbor -- if (and it is a big if) he gets proper training and opportunity. Blindness is neither a mental nor a psychological handicap. The function of the agency staff is to assist the blind person in reaching his goal. Psychological and aptitude tests often have the wrong use and the wrong emphasis. For it is more important for the blind person himself to learn what he can do and what he wants to do, than for the agency staff to learn these things. The relationship existing between the blind person and the agency should not be comparable to that existing between patient and doctor. What does the 'patient' know of drugs or treatment? The doctor decides whether the patient needs an operation and what medication he should have. In reality, the 'patient' makes few of his own decisions. Will the 'doctor' let him do this or that?

"The doctor-patient relationship is all too prevalent in agencies for the blind," Jernigan said. "Fortunately for the blind, however, it is beginning to give way to a more enlightened view." After answering questions concerning the Iowa program, Jernigan concluded with the following statement:

"Throughout the world, but especially in this country, we are today in the midst of a vast transition with respect to our attitudes about blindness and the whole concept of what handicaps are. We are reassessing and reshaping our ideas. In this process, the professionals in the field cannot play a lone hand. It is a cardinal principle of our free society that the citizen public will hold the balancing decision. In my opinion it is fortunate that this is so. For professionals can become limited in their thinking and committed to outworn programs and ideas. The general public

must be the balance staff, the ultimate weigher of values and setter of standards. In order that the public may perform this function with reason and wisdom, it is the duty of each of us to see that the new ideas receive the broadest possible dissemination. But even more important, we must examine ourselves to see that our minds are free from prejudice and preconception."

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## NEW HAMPSHIRE CONVENTION

By Hollis Little

The New Hampshire Federation of the Blind met for its ninth annual convention on Saturday, October 8, at the American Legion Hall in Claremont.

The morning session began with the officer's reports, in which President Franklin VanVliet announced his intent to run for a seat in the State House of Representatives. Because he felt that he could be of much greater use to the Federation and to the blind of New Hampshire as a whole if he were not an officer of the State Federation, VanVliet -- who had been state president since 1958 -- decided that he should resign as president, and decline any other elective office. He firmly stated, however, that he would maintain his membership and assist the incoming officers in any way possible. The convention regretfully accepted his resignation. VanVliet later accepted the position of advisor to the New Hampshire Federation's Executive Committee to which the newly-elected president, Alfred Beckwith of Lebanon, appointed him.

The following officers were also elected for a two-year term: Julian Berry of Portsmouth, first vice president; Joseph Lacerte, Manchester, second vice president; Hollis Little, Concord, secretary; Mrs. Helen Hutchens, Concord, treasurer; and Thomas Fletcher, Manchester, to a three-year term as a board member. The afternoon session got underway with Manuel Rubin, president of the Associated Blind of Massachusetts discussing his work with and for the blind of Massachusetts and then suggesting how to get a commission for the blind in New Hampshire, as was recently done in Massachusetts. Donald Little reported on the relatively new workshop for the blind in Manchester. The main evening banquet speaker was Dr. Lorraine Gaudreau whose topic was "Stereotypes."

Considerable discussion was given to the five resolutions which were adopted by the Convention: (1) to propose a Commission for the blind; (2) to obtain the enactment of the model white cane law; (3) on welfare

in general, concerning relative responsibility; (4) on the Manchester workshop for the blind; and (5) one pertaining to the growth of vending stands.

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#### THE CAMPBELL AWARD

Presentation of the first annual Francis Joseph Campbell Citation for outstanding contribution in the advancement of library service for blind persons took place at the American Library Association Convention in New York this summer.

Robert S. Bray, Chief Librarian, Division for the Blind, Library of Congress and chairman of the Roundtable on Library Service to the Blind which administers the award, presented the 1966 Campbell Citation to Howard Haycraft, an author and publisher: "His initiative in publicizing Braille and recorded materials used by blind persons, and his active participation in projects and committees to expand and improve library services have made him a true friend of all blind persons and of those who serve the blind."

Francis Joseph Campbell, for whom the award is named, was a blind musician whose vigorous leadership in promoting the use of Braille in the later part of the 19th century gave him prominence in the education of blind persons both in the United States and in England. Educated at the Tennessee School for the Blind, he later became head of the Music Department in Perkins School for the Blind and founded the Royal Normal College and Academy of Music in London. For his outstanding services he was knighted in 1909 by King Edward VII.

For those wishing to make nominations for this award the deadline is January 15, 1967. Send nominations to: Charles Gallozzi, Assistant Chief, Division for the Blind, Library of Congress, Washington, D. C.

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#### SOUTH CAROLINA CONVENTION

The 10th Anniversary Convention of the South Carolina Aurora Club of the Blind was held at the Wade Hampton Hotel in Columbia the weekend of September 23-25, with some 150 persons in attendance.

The Convention's theme was "Ten Years of Aurora Accomplishments."

Included among these accomplishments were the passage of at least five major pieces of legislation -- including the Commission Bill -- and the erection of a \$35,000 Aurora Center for the Blind.

Chief speakers included Kenneth Jernigan, first vice president of the National Federation of the Blind, and Dr. Fred L. Crawford, director of the South Carolina Commission for the Blind -- both of whom addressed the banquet. The Convention also heard from Dr. Samuel Lawton, chairman of the S. C. Commission for the Blind, and Aurora Club founder, as well as other commissioners.

The Aurora Service Award given annually to the sighted person considered to have made the greatest contribution to the well being of the blind was presented to Senator Earle E. Morris, Jr., chairman of the Special Legislative Study Committee which recommended the Commission, and to Senator Walter J. Bristow, Jr., original sponsor of the Commission Bill. Because of the outstanding service of both these gentlemen, it was necessary to present two Aurora Service Awards this year. The Donald C. Capps Award, established several years ago by Ways and Means for the Blind of Augusta, Georgia, was given to Auroran John Raybourne, president of the Charleston Chapter for his outstanding contribution in contacting legislators resulting in the passage of the Commission Bill. Mrs. Chloe Ree Hammond of Columbia received the Jack Morrison Memorial Award created by the family in his memory.

Retiring President Donald C. Capps delivered an address to the Convention entitled "Ten Years Ago and Ten Blocks Away" which reviewed the progress of the state organization over the past decade.

The new president of the S. C. Aurora Club of the Blind is Miss Lois Boltin who is a switchboard operator with Seibels Bruce Insurance Co. of Columbia. Other officers are first vice president, Donald C. Capps; second vice president, John Raybourne; secretary, Marshall Tucker; treasurer, John W. Potter. Board members are Mrs. Reba Hancock, Mrs. Daisy McCarter, Archie Nunnery, James Sims and Mrs. Catherine Morrison, all of Columbia; Mrs. Mildred Kirkland, Mrs. Louise Bristow and Mrs. Elizabeth Porter of Charleston; Mrs. Fair Gallman, Mrs. Ivey Cooley and Robert Oglesby of Spartanburg.

Resolutions in support of the new Commission and its director were adopted. A resolution congratulating Governor Robert E. McNair for the way he has handled the Commission was also adopted, as well as a resolution congratulating the Legislative Study Committee.

## TEN YEARS OF AURORA ACCOMPLISHMENTS

By Donald C. Capps

In keeping with the theme of the 10th Anniversary Convention of the South Carolina Aurora Club of the Blind -- "Ten Years of Aurora Accomplishments" -- the ten top accomplishments of the organization during the past decade were spotlighted. Since the Aurora organization has experienced so many successes on both local and state levels during the past ten years of its existence as a state-wide organization of the blind, it was difficult to select the top ten achievements. However, the ten major accomplishments finally decided upon symbolizing each of the past ten years, represented successes in many field of endeavor, including legislation, employment, special services to members, transportation and the erection of a center.

The first significant accomplishment during the infancy of the organization in 1957 was the acquisition of a Vending Stand location in the Richland County Courthouse located in Columbia. Much of the credit for this early success must be given to Mr. Eugene F. Rogers, Aurora attorney, whose relationship with various County officials spear-headed the granting of this vending stand opportunity. In those early days the Aurora Club had no funds for such an enterprise, but it was able to secure an interest-free loan from Ways and Means for the Blind of Augusta, Georgia, to finance this small business. For more than six years Archie Nunnery supported himself in the operation of the Courthouse stand and made many friends for the Aurora organization in the process. Since 1963 Ruby Bryant has been the proud operator of the stand. She jubilantly related to the Convention that only recently her earnings topped the \$100 mark for a five-day work week.

Also in 1957 the Aurora organization established a White Cane Week business fund, as well as a personal loan fund. Since the inception of this service, interest-free personal loans totaling nearly \$7,000 have been made. In addition, interest-free White Cane business loans and contributions totaling more than \$3,000 were granted. Marshall Tucker told the Convention how an interest-free White Cane business loan of \$500 enabled him to begin a successful career as a self-employed piano technician.

In 1958 the Aurora Club sponsored its first piece of legislation, which proved successful. As a result blind South Carolinians enjoy an extra exemption on their State income tax. This particular legislation saves blind taxpayers several thousands of dollars annually. Mr. Edmund Monteith, a State representative at that time and now Assistant Solicitor in the Columbia district, sponsored the double exemption bill. Again in the area of individual service, Clinton Bonnett in 1958 needed financial assistance and encour-

agement in taking training as a masseur so that he could improve his occupational status. The Aurora Club responded by granting both a White Cane Loan and contribution to this young man, and as a result of this aid, Clinton has been successfully employed for the past eight years having worked at the YMCA in Richmond, Virginia, and being currently employed at the YMCA in Gastonia, North Carolina. Clinton told the Convention that he was still grateful for this Aurora assistance, and was proud to be an Auroran.

'In 1959 Lois Boltin made history by becoming the first blind person in South Carolina to secure employment as a braille PBX switchboard operator. As in the case of Clinton Bonnett, the Aurora organization assisted Lois financially through the White Cane business fund so that she could take training for this specialized employment. Not only did she secure a switchboard position in 1959 with the assistance of the Aurora Club, but Lois also secured a second job as a switchboard operator in 1964, and now operates a large and busy board for Seibels, Bruce Insurance Company in Columbia. Mr. Smith Harrison, vice president of Seibels, Bruce, told the Convention that Lois was the best operator their company has ever had.

The Aurora Club has always striven for a more realistic grant for the State's blind aid recipients. As a result of Aurora intervention, the appropriation for cash assistance to the needy blind in 1961 was increased by \$50,000 -- from \$250,000 to \$300,000. The Aurora Club is indebted to Senator John D. Long, who addressed the Convention and who led the fight for this needed increase. In South Carolina during the past ten years, the average monthly grant has increased from \$37 to \$65, largely through the persistent efforts of the Aurora Club. On another occasion the sum of \$25,000 was restored to the blind aid appropriation through the efforts of the Aurora organization.

The erection of the Aurora Center was completed in September 1961. The \$35,000 facility owned outright by the blind themselves, was made possible through the granting of a tract of land by the City of Columbia, and by contributions from the citizenry of Columbia and a number of blind persons. Mr. Hyman Rubin, Mayor Protem of Columbia, was the first individual contacted concerning the Aurora Center project, proudly told the Convention of his immediate interest and was largely responsible for the City of Columbia deeding the necessary land to the Aurora Club for the construction of the Center.

Since adequate transportation is a particular problem for some blind people, in 1963 the Aurora Club, again with the help of contributions by civic minded Columbians and a number of blind persons, was able to purchase a \$7,000 36-passenger bus, which has been of tremendous assistance in this area. In 1963 this bus provided transportation for some 20 Aurorans attending the National Convention in Philadelphia. Auroran Sloan McManus, who





In observance of White Cane Safety Day on October 15 the National Federation of the Blind's Washington Chief, John Nagle (right), instructs Congressman Robert J. Corbett in the correct technique to assist a blind person across the street. According to Nagle, the sighted person should offer his elbow to the blind person and lead a pace or two in front, announcing the approach of such obstacles as curbs and steps.

Rep. Corbett, North Borough Republican, sponsored the resolution that authorizes the President and state governors to proclaim White Cane Safety Day each year to promote greater awareness of the significance of the white cane to motorists, and thereby contribute to the safety and welfare of blind persons.

was instrumental in the bus project, told the Convention some of the early planning in acquiring the bus.

Again in 1964 the Aurora Club called upon the legislature to rectify a long standing injustice to the vending stand operators in South Carolina by requesting the legislature to pass a law preventing the Welfare Department from collecting set aside amounting to as much as 10% of the earnings of the operators. State Representative Travis Medlock told the Convention that the set aside bill passed both branches of the general assembly without one dissenting vote. Anderson C. Bishop, a vending stand operator, expressed his personal gratitude to the Convention explaining that it is always good to get a salary increase.

Undoubtedly, the pinnacle of Aurora success in the legislative field occurred in April 1966 when, after two years of struggle, against tremendous odds, the General Assembly passed the bill creating the South Carolina Commission for the Blind. Senator Walter J. Bristow, Jr., orgininal sponsor of the Commission Bill, addressed the Convention stating that he introduced this legislation because it was "right," and that he always felt the bill would become law.

The foregoing accomplishments must be regarded as a testimonial to the courageous and dedicated efforts of the organized blind of South Carolina, and under the auspices of the South Carolina Aurora Club of the Blind.

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#### WHITE CANE SAFETY DAY 1966

Through a massive effort on the part of NFB officers, affiliates and members, October 15, 1966, marked the third as the most successful White Cane Safety Day.

On the national level of the observance, President Lyndon B. Johnson signed the 1966 proclamation on September 30 in Washington, D. C.:

"In our nation, the white cane is the symbol of the independent blind person, able to come and go on his own. For motorists in our streets and highways, the white cane also represents a caution sign -- a reminder that it is upon their courtesy and consideration that the safety of blind persons depends."

The President urged individual citizens, civic and service organizations and public information media to promote greater awareness of the significance of the white cane, "that blind persons in our society may continue

to enjoy the greatest possible measure of personal independence."

Federal Vocational Rehabilitation Commissioner Mary E. Switzer issued a press release of her own. Claiming that 105,000 blind persons are gainfully employed in the United States today, she told the public, "There are no 'blind skills.' The blind and visually impaired work in virtually all occupations."

Anticipating the President's proclamation, the National Federation earlier wrote to the 50 governors, urging each to proclaim White Cane Safety Day within his state. Affiliates worked locally toward the same goal.

One of the most vitally worded letters was written by Colorado Federation President Raymond McGeorge to Governor John A. Love: "It is of utmost importance to us that our voice be added to those throughout the nation, concentrating the attention of the motoring public everywhere on the purpose of the White Cane.

"Colorado does well in showing care and concern for the blind, and we, the blind, wish to do our part for Colorado by showing how observance of our White Cane Law enables us to be useful citizens. A proclamation by you will be a great help in doing this."

Bill Dwyer, Empire State Association legislative chairman, waged a successful campaign to publicize White Cane Safety Day in New York, backed by Governor Nelson Rockefeller's proclamation on September 16. Besides the usual releases to all area newspapers and radio and television stations, Dwyer sent copies of the governor's proclamation and the White Cane Law to taxi companies, trucking companies and several factories where drivers are employed, requesting that they be posted on company bulletin boards.

As October 15 drew near, the flood of governors' proclamations grew. All mentioned the white cane as a symbol of independence and the need for motorists to be cognizant of laws protecting blind pedestrians. Many followed the wording of either the President's proclamation or those passages within the NFB's suggested proclamation regarding public safety education.

Only six states -- Alabama, Georgia, Indiana, Missouri, Vermont and Washington -- interrelated the blind citizen's right to public safety to his right to economic integration. Alabama's Governor George C. Wallace urged "all citizens to take note of what the blind people in our State are achieving and of their hopes and aspirations -- particularly their desire to win economic independence through proper training and job opportunity." The other five reiterated the NFB statement, "Every citizen should be cognizant that it is our public policy that blind and other disabled people should be free to . . . participate fully in the economic and social life in our state,

and to engage in remunerative employment."

Most noted, as Arizona Governor Samuel P. Goddard: "Many blind persons have developed a remarkable ability to move about freely, and are responsible, productive citizens." A few states, including Alaska, noted that October 15 marked the 36th anniversary of the first state law to establish the white cane as a symbol of safe conduct for the blind in Illinois.

Ohio's Governor James A. Rhodes commended, within his proclamation, that state's NFB affiliate, the Ohio Council of the Blind, for its year-round work "to alert all driver to the meaning and purpose of the White Cane. . . ."

In declining to issue a proclamation, Virginia Governor Mills E. Godwin, Jr., stated that although he felt the purpose of White Cane Safety Day is most worthy, "the increasing number of statements the Governor is called upon to make has diluted their effectiveness. . . ." But, the Governor's Highway Safety Committee issued a radio spot announcement and newspaper "filler" noting October 15 as National White Cane Safety Day. West Virginia's policy is to restrict proclamations to those required by state law; North Carolina's to those initiated within the state.

A few governors replied that other dates had been set. Since 1938 Puerto Rico has annually proclaimed December 13 as the Day of the Blind. White Cane Week was celebrated in the District of Columbia, May 16-21; Illinois, May 15-21; and Michigan, April 24-30.

Steps are being taken to extend October 15 into an internationally observed day, as recommended by the International Federation of the Blind. Through the work of A. N. Venkatasubramanian, convener of the Indian Federation of the Blind, the Government of India is considering issuing a special postage-stamp for October 15, 1967.

Although White Cane Safety Day 1966 has passed, much work remains -- toward 100% participation in White Cane Safety Day 1967, toward passage of the model White Cane Law so that safety can be enjoyed every day and toward the realization of International Safety Day for the Blind.

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## HENRY SLOAN DIES

With the sudden death of Henry Sloan of a heart attack on September 19 the Federation lost one of its most devoted members, and the MONITOR its most active correspondent.

In each state a committee supplies the MONITOR with the news and developments of the affiliates and the welfare of the blind in general. Henry, a blind, New York City vending stand operator, with his wife Minnie, was the most active of all these correspondents. Not only did the Sloans collect news and feature stories concerning the activities of the Empire State Association of the Blind, but they functioned as a regular clipping service of all New York City newspapers. Daily, large, manila envelopes, heavy with clippings, would arrive at the MONITOR office, postmarked New York City.

Due to a congenital condition which progressively robbed him of his sight, Henry became totally blind 15 years ago. After several operations, however, he regained some vision. In 1939 he moved to the District of Columbia and for the next three years, operated a vending stand for the Washington Society for the Blind. He later returned to New York where he ran a vending stand under the State Commission for the Blind for 18 years -- the last 15 of which he worked in the Army-Air Force Building in East Greenwich Village.

In 1947, when he returned to New York, he co-founded the National Council to Combat Blindness, an organization to which Mrs. Sloan donated Henry's eyes for research.

Dedicated to the cause of the National Federation of the Blind, Henry was among those who worked actively and effectively for the return of the Empire State Association of the Blind to the Federation in 1963 after a three years' absence.

In his memory, the NFB has received contributions from Henry's friends and associates, including the personnel of the U.S. Air Force and Defense Contract Administration Services Region, other Air Force personnel in the building where Henry's stand was, and the management and employees of Food City.

The manila envelopes still arrive in the MONITOR's morning mail. Minnie Sloan is continuing Henry's function as the NFB's New York correspondent, and has done so without interruption.

## WEST VIRGINIA YEAR BOOK

The 1966 Year Book of the West Virginia Federation of the Blind "will be a treasured souvenir of each member of our organization and his family," predicts the committee which worked toward its successful publication. And it's not hard to see why.

It's 52 slick pages are bound within a blue cover on which gold letters read "Equality, Opportunity and Security." Inside are reports of the 1966 National Federation of the Blind Convention in Louisville, of the 1966 activities of the West Virginia Federation and of each local organization within the state.

Mostly the Year Book is about the blind West Virginians themselves. It is dedicated to Mrs. Frances V. Taylor Muegge, a charter member of the Sightless Workers' Guild of Wheeling and a member of the State Federation since its beginning, who died last February.

There's a story on E. Sid Allen, a blind member who served on a circuit court jury; a history of the Industrious Blind Enterprises, Inc. run by the Clarksburg Lions Club; a report on the successful ninth annual summer camp for blind children; a lineup of the bowling trophies won by the Huntington team; and the aspirations of the 1966 School for the Blind graduation class.

Several feature stories tell of enterprises in which Federation members are successfully engaged. Interspersed are poems and "bits of wisdom." The facing center pages contain the formal program for the WVFB's 1966 annual convention which was held August 19-21 in Clarksburg.

Hundreds of ads were solicited by the Federationists for the funds which made publication financially possible.

The exuberance within West Virginia's Year Book is contagious. It should "infect" other states to follow suit with their own.

## MISS-A-MEAL CAMPAIGN 1966

"Throughout most of the world, all but a few blind people are poor, unemployed, untrained, unwanted -- and hungry. If you miss a meal on October 15, you will not be nearly as hungry as most of these blind people."

National Federationists are responding quickly and generously to these words, written by NFB President Jacobus tenBroek to initiate this year's Miss-A-Meal Observance on White Cane Safety Day.

The money is not to feed the needy blind in the world, but -- as President tenBroek's letter states, and as the observance was conceived two years ago -- to help the International Federation of the Blind grow and guide blind people everywhere into "orientation, training, jobs, and full community participation." Instead of providing one meal, this money will help the blind to earn their own daily bread.

Arriving mostly in individual donations of one or two dollars, the total collected as of October 25 is \$735.40. Although the central idea of the observance is to donate the cost of one meal, many did as this North Dakota woman who wrote, "I never spend two dollars for a meal, but I thought I would add to what I ordinarily spend."

Several persons explained why they felt they should contribute. "I believe that the National Federation of the Blind helping the blind of the world through the International Federation of the Blind is one of the best examples of personal diplomacy. . . ." James French of Indiana wrote.

From Winnipeg, Canada, Marvin Zindler forwarded donations from his blind father, his father's blind friend and himself, saying, "My father and I realize the significance of this event and we believe that it is most deserving of our contributions."

The most extraordinary, moving reply was from a blind, Negro street accordionist who gave because, "I know what poverty is and I hope that I can by offering this amount aid someone in helping themselves out of it."

Some donations were the collective work of affiliates and local chapters. The Capitol Chapter of Sacramento, California, literally turned the table and instead of missing a meal, the members shared-a-meal, "pot luck" style, where each chipped in some food with their donations.

"We have set before ourselves a magnificent dream which we can fulfill together," concludes President tenBroek's letter. It is not too late to contribute your share toward this "dream." Send an individual or chapter

donation to: Treasurer, International Federation of the Blind, 4604 Briarwood Drive, Sacramento, California 95821.

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## OHIO CONVENTION

By Clyde Ross

The Ohio Council of the Blind had an outstanding convention, preceded by an informative Executive Board meeting, at the Voyager Inn in Youngstown, October 14-16.

The keynote speaker pointed out the freedom and opportunities available to handicapped persons in America. Blindness is only one handicap.

The Mahoning County Director of Welfare did not attempt to justify our Public Assistance laws. He simply attempted to interpret the welfare laws and regulations. He announced the very recent employment of a blind case worker, who will handle most of the County's Aid to Blind clients.

Next were reports by President George Bonsky, NFB delegate Alfonso Smith, Treasurer Ivan Garwood, and Executive Secretary William Dressell. As affiliate reports were given, one fact stood out: every affiliate was doing something for others.

Improvement of Aid to the Blind for recipients was the object of several adopted resolutions requesting: a realistic budget, with a minimum of \$80 a month and an escalation clause to meet rising living costs; an increase in recipients' burial fee from \$180 to \$350; that recipients be allowed to retain burial insurance up to \$1,000 cash value; and the abolition of the residence requirement and relative responsibility in determining eligibility for aid.

To combat adverse recommendations in The Health, Education and Welfare Survey Report of 1965, convention resolutions urged: the program be continued; that blind broom-makers within the program continue to be supplied raw materials and the state continue to purchase standard-reaching brooms; and that the state hire competent, aggressive salesmen to lower broom surplus and make the project economically feasible.

Directed to the Ohio Department of Public Welfare, other resolutions recommended employing: (1) more home instructors for the newly-blinded -- with the first consideration in hiring being ability and not the number of

academic degrees; (2) additional consultant nurses for the newly-blinded; and (3) more Vocational Rehabilitation for the Blind counselors, with an improvement in quality of rehabilitation services. Another recommended an adequate budget be developed to include projected needs of the State Services for the Blind.

The Ohio Council urged the NFB the seek appropriate legislation: (1) to provide monthly pensions of \$150 to needy blind and deaf-blind persons which they can spend without restrictions -- plus \$75 for each dependent; (2) to permit an additional \$600 income tax exemption for each blind child in a family; and (3) to establish a tariff on imported brooms to ensure reasonable competition by American blind broom-makers.

"Bucks for Bills" is the title of a resolution petitioning contributions to cover the Council's costs in introducing and urging the passage of constructive legislation for the blind. Other resolutions approved: a study by the Public Relations Committee of distasteful and improper images of blind people in elementary, high school and university text-books; a proposed bill to prohibit the use of the word "blind" by groups or organizations not directly associated with blind persons -- punishable by fine of not less than \$200, nor more than \$1,000; a bi-ennial Seminar to develop legislative and other programs for the Council; and, wherever consistent with the best interests of the blind, for the OCB Public Relations Committee to work with similar committees of other organizations toward a common goal.

The director of the Youngstown Society for the Blind explained his organization's goals.

In a panel discussion Clyde Ross dealt with general rehabilitation versus vocational rehabilitation, its financing and its functioning. Russell Kletzing, past president of the NFB and its current secretary, related state programs to the NFB or national picture, developing the rehabilitation image to which the NFB aspires. He then went one step further and pointed out ideas that we could profitably copy from foreign countries, especially Germany.

The State Welfare Department deputy director related the welfare program to the rehabilitation program. He pointed out changes and improvements over the last 30 years. He agreed that many laws are not satisfactory, and that the OCB should strive for improved legislation.

Russell Kletzing was the banquet speaker. He dealt with equalizing versus preferential legislation and treatment.

The new officers elected are: George G. Bonsky, president, of Hartville; Alfonso Smith, vice president, Youngstown; John Knall, second vice president, Cleveland; Ivan Garwood, treasurer, North Baltimore;

Mrs. Mary Eiche, secretary, Lima; and Mrs. Edna Fillinger, executive secretary, Cleveland. Delegates to the 1967 NFB Convention are George Bonsky and Al Smith, with Carl Eiche and Pete Waback as alternates.

The 1967 OCB Convention will be in Columbus, and the 1968 convention in Canton.

The OCB is used to having good conventions, and Youngstown's is one that will stand out for a long time in our minds.

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#### PRE-CONVENTION BULLETIN

By Kenneth Jernigan

Come one, come all! Recent NFB conventions have been getting bigger and better every year. 1967 will be no exception. Read the following and you will see why we think so:

The convention will be held in Los Angeles on the Pacific Coast and in the heart of Disneyland country. Southern hospitality (California style) will abound. The first business session will open at 10 o'clock on the morning of Tuesday July 4, and the final session will adjourn at 5 o'clock on Friday July 7. The executive committee meeting (open to all) will occur on Monday July 3 at 10 a.m. In keeping with the custom of recent years, many of the members and delegates will probably arrive some time Sunday July 2.

#### HOTEL

The hotel rates are extremely favorable -- in fact, for a city the size of Los Angeles "unbelievable" is the only appropriate word. The rates are: single rooms, \$8; doubles and twin, \$12; extra bed in room \$4; and children under 12 years old, free in room with parents. We are meeting at the Statler-Hilton, one of the finest hotels in Southern California or, for that matter, the world. It is air-conditioned throughout and has a fine, large, outdoor swimming pool!

#### BANQUET

The banquet will occur at 7 o'clock on Thursday evening, July 6. The price is \$5.50 and the menu will be good. Plans are shaping up for a memorable banquet program.

## TOURS

The day for tours is Wednesday, July 5, and we are going to have a fantastic day. Negotiations are under way for a full-fledged tour of Disneyland. Need we say more?

## GENERAL COMMENTS

The drawing of prizes initiated at the Arizona convention and expanded at Washington and Louisville will be an even greater extravaganza at Los Angeles. Don't be late for the sessions and don't leave the meeting room. The prizes will be worth winning. A word is in order to state and local affiliates: we would like to have as many prizes as possible to be used in the drawings. We are recommending that prizes be worth \$25 or more. In fact, at Louisville, many of the state and local affiliates gave prizes of real value -- a tape recorder, a chiming electric clock, a typewriter, hair-seal wallets, a sterling silver charm bracelet, and many others. It is not too early to collect prizes. Send them to Anthony Mannino, 205 S. Western Avenue, Room 206, Los Angeles, California 90004.

California is truly a wonderful state and the people of our California affiliate are as fine as their state. They know how to spread on the hospitality, and you won't want to miss this one. If you like, you can combine the convention with a vacation trip -- short or long. When you come to Los Angeles you are on the Pacific Coast in the heart of Hollywood movieland, not very far from Mexico, reasonably close to Las Vegas, and in the heart of one of the most scenic and historical settings anywhere.

It will be a convention to remember and cherish, so get on the ball! Send for your reservation today! No, don't wait until tomorrow; send requests for reservations to: Reservations Manager, Statler-Hilton Hotel, Los Angeles, California.

By the way, don't forget we are making big plans for those who want to go to Hawaii.

Plans for the 1968 convention in Des Moines are well advanced. Arrangements have also been made to meet at the Wade Hampton Hotel in Columbia, South Carolina in 1969.

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## FEDERAL SPOKESMAN INTERPRETS NEW MINIMUM WAGE LAW

According to the interpretation by a Labor Department spokesman, sheltered shop workers are not to be considered a "new class" when the new federal minimum wage law goes into effect next February.

The Federal minimum wage rises to \$1.40 an hour February 1, 1967, for those now covered by the Fair Labor Standards Act, and to \$1.60 the following February 1. The rate for workers newly covered within the amending measures will commence at \$1.00 and increase by 15 cents hourly each year until the \$1.60 rate is reached in 1971. Title V of the 1966 Fair Labor Standards Amendments provides that handicapped workers in sheltered shops shall be paid "not less than 50 per centum."

When the amendments were passed, it was at first felt -- and reported in the September MONITOR, that sheltered shop workers would be included with the newly added group and thus, would receive a minimum wage beginning at 50 cents an hour.

In explaining his interpretation, the Labor Department spokesman said that certificates of exemption of sheltered shop workers were issued on the theory that the workers were covered by the Fair Labor Standards Act; they should therefore be included in the already covered groups.

According to this interpretation, the minimum wage of sheltered shop workers on February 1, 1967, will be 70 cents and on February 1, 1968, 80 cents an hour.

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## MONITOR MINIATURES

Dick Bryant, president of the New Mexico Federation of the Blind, is moving to California, and accordingly, he has resigned his office. The new interim president is Harold Martinez of Box 52, El Rito, New Mexico 87530.

The Evergreen Association of the Blind in Everett, Washington, has created the Martha Muckey Scholarship Fund for children of the blind and/or blind students of Snohomish County attending the Everett Junior College to express its gratitude for the 30 years of "ceaseless, unselfish" work given by Martha Mucky, now retired.

Thomas Sharlow, who served for 25 years as chairman of the Muskegon County [ Michigan] Association for the Blind, died in his home October 19 after a three years' illness. Born October 1, 1885, in Port Huron, Michigan, he was a lumberman in his early years and later, a salesman for Household Products Company. He was well known and respected in Muskegon for his work with the blind.

From the Kentucky Federation of the Blind: State Federation President Bob Whitehead has been elected chairman of the Governors Advisory Committee on work for the blind.

Dr. Sparks, State superintendent of Public Instruction, appointed Mrs. Pat Vice, president of the Blue Grass Chapter of the Blind in Frankfort, and Bob Whitehead to an eleven-man committee to work on plans for the new Industries for the Blind. Whitehead was one of the five committee-members flown to Little Rock and Memphis to inspect similar facilities there.

When Kentucky State Parks open next spring, three will have blind operators in concession stands. Two new stands will soon go into a government building in Covington, employing six blind persons, and another stand in the Government Hospital at Lexington.

From the New York Post: Rep. Leonore K. Sullivan (D-Mo.), chairman of a House subcommittee on Consumer Affairs, complains that her male colleagues are afraid to crack down on dangerous beauty preparations despite mounting evidence of the harm they cause. "Men are downright scared to do anything that could be construed as interfering with a woman's right to be beautiful," Mrs. Sullivan lamented. "We could do with a lot less gallantry of that nature where health and safety are at stake," she said in seeking support for her bill to require pre-testing of cosmetics to ensure their safety. She recalled the suffering of women who were blinded temporarily or suffered eye damage from a neutralizing solution that was part of home permanent sets. It has since been barred from the market by the Food and Drug Administration under its powers to act if a product can be proved harmful.

From the Iowa Association of the Blind: The Cedar Rapids Association elected the following officers at its October 7 meeting: president, Judy Young; vice president, Curtis Willoughby; secretary, Mrs. Jo Ann Slayton; and treasurer, Floyd Moore.

Mrs. Leona C. Ladehoff, president of the Clinton Association, died October 2. Mrs. Ladehoff had been a school teacher for many years before losing her sight.

Massachusetts is the nineteenth state to receive approval by the U.S. Department of Health, Education and Welfare of the new Medical Assistance Program for low-income families authorized under Title XIX of the Social Security Act. Eighteen other states, plus Puerto Rico, already have approved Title XIX operating plans: California, Connecticut, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Utah, Washington, West Virginia and Wisconsin.

Congratulations have been lavishly showered on James B. Garfield, president emeritus of the Active Blind Inc. in Los Angeles, on his 85th birthday. Jim's book, Follow My Leader, has reached its eighth edition, circulating more than 250,000 copies. Now issued in paper back, it is required reading in many elementary schools.

From The Kansas City Star, October 19: Scientists, trying to learn how a nervous system works, are looking at the world through flies' eyes. They say they've gotten so good at it they can tell rather precisely what a fly sees and how well -- as it buzzes away, transfixed, in a special fly "Planetarium." The eye test is part of a program to study the entire nervous system to find how it works. Scientists hope, for instance, to see how light received by the eye is translated into consciousness and action. Ultimately, the research could help development of electronic eyes that read print.

From The New York Times, September 25: Edward Mosley, 50 years old, and his son, Lee, 27, were reported in satisfactory condition at the University of Kentucky Medical Center [in Lexington] after a kidney transplant. The son, who is blind, donated the kidney to his father. The operation took four hours.

From the October 1966 Woman's Day magazine: Two fascinating devices, still in the experimental stage, will speed up and simplify the process of providing information and entertainment for the blind.

A twelve-inch long-playing record being tested by the engineering staff of the American Foundation for the Blind combines an increase in grooves -- 420 to the inch -- with a slower speed of 4 - 1/16 revolutions per minute to accommodate more than ten hours of reading time, the length of an average novel. When the new discs are put into use, possibly in 1967, they will double the efficiency of the Foundation's "Talking Book" records, used by blind people throughout the United States.

The second experimental device, battery-powered and no bigger than two packs of cigarettes, can be rolled across printing or hand-writing and will transfer the letters, one by one, to the fingers of a blind reader. The unit, devised by Stanford University Professors J. G. Linvill

and J. C. Bliss, has tiny photocells that activate a network of vibrating pins as they pick up the letters. The pins form two-inch-square letters that press against the user's fingers. Though this letter by letter process necessarily makes for a slow reading rate, about thirty words a minute, it has the unique advantage of allowing a blind person instantly to read anything that comes to hand -- a letter, a recipe, a bill -- without waiting for a Braille transcription or for someone to read it aloud.

The inventions will undoubtedly undergo further modifications and improvements, but even at the prototype stage they are encouraging in their promise of better solutions to the problems of those who cannot see.

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## THE RIGHT TO LIVE IN THE WORLD: THE DISABLED IN THE LAW OF TORTS

By Professor Jacobus tenBroek

[Editor's note: Originally prepared by Dr. tenBroek for a Law of the Poor symposium, "The Right to Live in the World" takes a fresh look at conventional tort law doctrines governing freedom of movement by disabled persons.

Since the first installment in the August MONITOR, Professor tenBroek has explored the legal rights of the blind and other disabled persons to travel on their own power, free from latent injury -- whether walking on public streets, highways and roads, or within public accommodations, resorts and amusements. The situation changes in a moving conveyance -- be it plane, train, bus or taxi -- where the disabled share the passive role of the able-bodied. The disadvantage lies in one's ability to board and disembark. How the court then views the disabled person's right to live in the world is this month's subject matter.]

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### *D. Oh, to be Carried by a Common Carrier*

With respect to common carriers, a second area in which the law of torts takes note of the disabled, there are certain obvious contrasts with the streets, highways, and sidewalks. When proceeding on the latter, the pedestrian is the active agent, propelling himself along on his own volition, having some power of control as to his course, pace, and general procedure. The streets and sidewalks are a passive and submissive instrumentality, with relatively fixed locations, contours and general characteristics. When the pedestrian becomes a passenger, the situation is reversed. He has little control either of what happens to him or of the transport equipment, which, when set in motion, creates and constitutes its own dangers. The disabled share with others a passive role, their disability having next-to-nothing to do with whether they are killed in a plane crash, train wreck, bus smash-up, or taxi collision. The disabled person comes into a situation of comparative disadvantage only when the transport facility is starting, stopping, or at rest, and he is getting off, or on, making a transfer, moving from carrier to station, or streetcar to curb.

Nor, in contrast with the situation on the streets, is there a problem of preventability, based on the practicability of protection by an inanimate device or the cost thereof. The employees of the carrier are on the spot, available to serve not only as a physical barricade when appropriate, but to provide mobile and positive help.<sup>252</sup> Whatever the legal duty, an established function of employees of carriers, in fact realized

<sup>252</sup> See generally 14 Am. Jur. 2d *Carriers* §§ 871-75 (furnishing adequate accommodations), §§ 876-81 (furnishing information to passengers); §§ 884-90 (stopping to receive and discharge passengers).

and discharged it is true in varying degrees, is that of service to the passenger: in giving direction, aiding him in getting on and off and in making connections, assisting with children, bundles, and luggage. In this context, also, responsibility is less dependent on questions of foreseeability, based on the likelihood that the disabled will come along and be injured. Responsibility is dependent on identifying the disabled among the passengers and adapting assistance to need.

The awareness of the carrier's employees of the presence among the passengers of disabled persons and their needs for assistance is discussed by the courts in terms of (1) actual notice given the employees by the disabled persons or others, and (2) constructive notice arising out of the fact that the disability in the given case is reasonably apparent, that is, observable by the ordinarily prudent employee.<sup>253</sup> Some courts will be satisfied with nothing less than actual knowledge on the part of the employee, however derived.<sup>254</sup> Those permitting constructive notice and relying on what the employees should have known in the circumstances, for the most part, leave a good deal to be desired in the standards of employee alertness demanded. They are certainly not those of 20/20 vision or comparable capacity to draw inferences. Courts have held that constructive notice of infirmity or disability and the need for assistance did not arise in the following situations: A 73-year-old woman, weighing about 180 to 200 pounds, slow and sluggish of movement, preparing to descend the steps of a railroad car;<sup>255</sup> and a woman with an observable limp produced by a wooden leg, even though an employee had assisted her up the train's stairs when she boarded.<sup>256</sup> It has also been held that blindness does not necessarily impart notice. Where a blind person got aboard a train alone, slept through his stop until the train began to pull away, and was then let off in the switchyard in the small hours of the morning where he wandered for well over an hour trying to find the station, and was struck by a switch engine, the company was found not

<sup>253</sup> See *Central of Ga. Ry. v. Carlisle*, 2 Ala. App. 514, 517, 56 So. 737, 738 (1911); *Southern Pac. Co. v. Buntin*, 54 Ariz. 180, 94 P.2d 639 (1939); *Denver & R.G.R.R. v. Derry*, 47 Colo. 584, 587, 108 Pac. 172, 173 (1910); *Pullman Palace Car Co. v. Barker*, 4 Colo. 344, 347, 34 Am. Rep. 89, 91 (1878); *Mitchell v. Des Moines City Ry.*, 161 Iowa 100, 141 N.W. 43 (1913); *Wilson v. Pennsylvania R.R.*, 306 Ky. 325, 326, 207 S.W.2d 755, 756 (1948); *Louisville Ry. v. Wilder*, 143 Ky. 436, 438, 136 S.W. 892, 893 (1911); *Croom v. Chicago, M. & St. P. Ry.*, 52 Minn. 290, 53 N.W. 1128 (1893); *Scott v. Union Pac. R. Co.*, 99 Neb. 97, 100, 155 N.W. 217, 218 (1915); *Pierce v. Delaware L. & W.R. Co.*, 358 Pa. 403, 406, 57 A.2d 876, 877-878 (1948); *Welsch v. Spokane & I. E. R. Co.*, 91 Wash. 260, 157 Pac. 679 (1916); *Sullivan v. Seattle Elec. Co.*, 51 Wash. 71, 77, 97 Pac. 1109, 1112 (1908).

<sup>254</sup> *Scott v. Union Pac. R.R.*, 99 Neb. 97, 100, 155 N.W. 217, 218 (1915); *Sullivan v. Seattle Elec. Co.*, 51 Wash. 71, 77, 97 Pac. 1109, 1112 (1908).

<sup>255</sup> *Wilson v. Pennsylvania R.R.*, 306 Ky. 325, 207 S.W.2d 755 (1948).

<sup>256</sup> *Pierce v. Delaware L. & W.R. Co.*, 358 Pa. 403, 57 A.2d 876 (1948).

negligent for having failed to assist him to the depot. Sleepiness and blindness look the same.<sup>257</sup>

Though, as in the case of the streets, it is common knowledge to employees of common carriers, judges, and everybody else, supported if need be by government statistics, that disabled persons are in the habit of using common carriers unattended and that therefore they are likely to appear on any given carrier at any time, yet the majority of courts hold, today no less than in earlier times, that: carriers are for the able-bodied in the ordinary use of normal senses and limbs;<sup>258</sup> the employees are "not required to anticipate [special] wants or needs,"<sup>259</sup> are not under a duty "to be on the lookout to discover that any particular passenger needs special assistance,"<sup>260</sup> or "to observe the condition of the passengers" in order to see whether "they require such assistance";<sup>261</sup> employees need not "on their own initiative" render any special service,<sup>262</sup> such as helping to detrain a woman in feeble health who was carrying a sleeping child in one arm and a valise in the other.<sup>263</sup>

#### 1. *Duty of Care Owed by the Common Carrier to the Disabled Passenger*

The duty which the carrier owes to disabled persons, once the employees are aware or should have been aware of their presence, is vari-

<sup>257</sup> Southern Pac. Co. v. Buntin, 54 Ariz. 180, 94 P.2d 639 (1939). Other cases in which the court found no constructive notice: a woman carrying a valise, a parasol, and a fan, accompanied by her husband, preparing to descend the steps of a railroad car, Central of Ga. Ry. v. Carlisle, 2 Ala. App. 514, 56 So. 737 (1911); a man with typhoid fever and resulting impaired reasoning and senses of sight and hearing, crossing tracks in the yard to catch a train and not yet having encountered any employee of the company, Scott v. Union Pac. R.R., 99 Neb. 97, 155 N.W. 217 (1915); a man who staggered when he boarded the train at Coeur d'Alene, Idaho, aided by a trainman who remarked to the conductor that he was "pretty full," but who did not stagger or otherwise evince intoxication when he detrained at Spokane, Wash. Welsh v. Spokane & L.E.R. Co., 91 Wash. 260, 157 Pac. 679 (1916).

<sup>258</sup> Sevier v. Vickshorg & Meridian R.R., 61 Miss. 8, 48 Am. Rep. 74 (1883).

<sup>259</sup> Illinois Cent. Ry. v. Cruse, 123 Ky. 463, 471, 96 S.W. 821, 823 (1906).

<sup>260</sup> *Ibid.*; see Southern Ry. v. Hayne, 209 Ala. 186, 95 So. 879 (1923).

<sup>261</sup> Illinois Cent. Ry. v. Cruse, 123 Ky. 463, 471, 96 S.W. 821, 823 (1906).

<sup>262</sup> *Ibid.*

<sup>263</sup> Illinois Cent. Ry. v. Cruse, 123 Ky. 463, 96 S.W. 821 (1906). In 1939 the Supreme Court of Arizona said about the *Cruse* case: "The case, so far as we know, has never been seriously criticised, nor the doctrine laid down therein repudiated, and it has been quoted approvingly in many cases besides those above cited." Southern Pac. Co. v. Buntin, 54 Ariz. 180, 187, 94 P.2d 639, 643 (1939). See also Central of Ga. Ry. v. Carlisle, 2 Ala. App. 514, 517, 56 So. 737, 738 (1911); Pullman Palace Car Co. v. Barker, 4 Colo. 344, 347, 34 Am. Rep. 89, 91-92 (1878); Wilson v. Pennsylvania R.R., 306 Ky. 325, 326-27, 207 S.W.2d 755, 756 (1948); Scott v. Union Pac. R.R., 99 Neb. 97, 101, 155 N.W. 217, 218 (1915); Welsh v. Spokane & L.E.R. Co., 91 Wash. 260, 264-65, 157 Pac. 679, 680-81 (1913); Sullivan v. Seattle Elec. Co., 51 Wash. 71, 77-78, 97 Pac. 1109, 1112 (1908). *Contra* Louisville Ry. v. Wilder, 143 Ky. 436, 437, 136 S.W. 892, 893 (1911): The employees must "exercise . . . the highest degree of care" in discovering disabled persons.

ously stated as reasonable care and assistance in the circumstances,<sup>264</sup> special care and assistance,<sup>265</sup> or a high, higher, highest or extraordinary degree of care.<sup>266</sup> The variation does not seem particularly significant. All courts pretty well agree that the employees must render such assistance as is reasonably necessary for the safety of the disabled person considering the nature of his disability.<sup>267</sup> This standard was not attained: by a cab driver who shut the door on the thumb of a 65-year-old diabetic, with right leg cut off above the knee, standing at the side of the cab clutching the center post where the driver had left her after assisting her from a wheelchair;<sup>268</sup> by a street car conductor who stood idly by watching an 18-year-old girl on crutches, with one short and shriveled leg, make her way down the streetcar steps;<sup>269</sup> by the pullman porter who took hold of a blind passenger's elbows and assisted him up the first step to the platform and then allowed him to proceed up the steps "feeling his way along as best he could" until he found what seemed to him the proper opening, which instead of being the entrance to the car was "the end of the platform away from the door of the car . . . the same having been left open and not closed by a gate as was the usual custom at such times."<sup>270</sup> In the last case, the Colorado Supreme Court declared: "Putting it as mildly as the facts justify, we say . . . that the porter, knowing of plaintiff's blindness, was guilty of reprehensible negligence in suffering plaintiff to proceed up the platform steps without even cautioning him, or watching him, or guiding his movements."<sup>271</sup>

In comparison, a cab company was found not negligent where five blind people were entering the cab, the driver, in making room for one of them, asked a second to move from the back to the front seat, and a third shut the door on the fingers of the second.<sup>272</sup> The court said the

<sup>264</sup> *Denver & R.G.R.R. v. Derry*, 47 Colo. 584, 589, 108 Pac. 172, 174 (1910); *Mitchell v. Des Moines City Ry.*, 161 Iowa 100, 108-09, 141 N.W. 43, 46-47 (1913); *Singletary v. Atlantic Coast Line R. Co.*, 217 S.C. 212, 220, 60 S.E.2d 305, 308 (1950).

<sup>265</sup> *Mitchell v. Des Moines City Ry.*, 161 Iowa 100, 109-10, 141 N.W. 43, 47 (1913); *Illinois Cent. Ry. v. Cruse*, 123 Ky. 463, 471, 96 S.W. 821, 823 (1906); *Croom v. Chicago, M. & St. P. Ry.*, 52 Minn. 296, 298, 53 N.W. 1128, 1129 (1893); *Welsh v. Spokane & L.E.R. Co.*, 91 Wash. 260, 264, 157 Pac. 679, 680 (1916).

<sup>266</sup> *Southern Pac. Co. v. Buntin*, 54 Ariz. 180, 185-86, 94 P.2d 639, 641 (1939); *Pullman Palace Car Co. v. Barker*, 4 Colo. 344, 347, 34 Am. Rep. 89, 91 (1878); *Stallard v. Witherspoon*, 306 S.W.2d 299, 301 (Ky. 1957); *Fournier v. Central Taxi Cab Inc.*, 331 Mass. 248, 249, 118 N.E.2d 767, 769 (1954); *Pierce v. Delaware L. & W.R.R.*, 358 Pa. 403, 406, 57 A.2d 877, 879 (1948); *Scott v. Union Pac. R.R.*, 99 Neb. 97, 99, 155 N.W. 217, 218 (1915).

<sup>267</sup> 2 HARPER & JAMES, TORTS § 16.14 (1956).

<sup>268</sup> *Stallard v. Witherspoon*, 306 S.W.2d 299 (Ky. 1957).

<sup>269</sup> *Mitchell v. Des Moines City Ry.*, 161 Iowa 100, 141 N.W. 43 (1913).

<sup>270</sup> *Denver & R.G.R.R. v. Derry*, 47 Colo. 584, 587, 108 Pac. 172, 173-74 (1910).

<sup>271</sup> *Id.* at 590, 108 Pac. at 174.

<sup>272</sup> *Fournier v. Central Taxi Cab, Inc.*, 331 Mass. 248, 118 N.E.2d 767 (1954).

company was not bound to protect disabled passengers against "highly improbable harm."<sup>273</sup>

In the case of accidents to pedestrians caused by defects, obstructions

<sup>273</sup> *Id.* at 249, 118 N.E.2d at 768 (1954). The duty common carriers owe to normal passengers is commonly phrased in terms of the highest degree of care, sometimes qualified by "consistent with the practical operation of the business." *Accord* Pullman Palace Car Co. v. Barker, 4 Colo. 344, 345, 34 Am. Rep. 89 (1878); McMahon v. New York, N.H., & H.R.R., 136 Conn. 372, 374, 71 A.2d 557, 558 (1950); Louisville Taxicab & Transfer Co. v. Smallwood, 311 Ky. 405, 408, 224 S.W.2d 450, 452 (1949); Griffin v. Louisville Taxicab & Transfer Co., 300 Ky. 279, 280, 188 S.W.2d 449, 450 (1945); Goinevan v. Checker Taxi Co., 289 Mass., 295, 297, 194 N.E. 100, 101 (1935); Scott v. Union Pac. R.R., 99 Neb. 97, 99, 155 N.W. 217, 218 (1915); Archer v. Pittsburgh Ry., 349 Pa. 547-48, 37 A.2d 539-40 (1944); Bennett v. Seattle Elec. Co., 56 Wash. 407, 411, 105 Pac. 825, 827 (1909). This doctrine was first laid down in this country by the United States Supreme Court in a case dealing with an overturned stagecoach where the carrier was said to undertake to transport persons safely "so far as human care and foresight can go . . ." Stokes v. Saltonstall, 38 U.S. (13 Pet.) 181, 190 (1839). Harper and James point out that the reasonable care rule, announced by some courts, in guarding passengers against "the great potential dangers which attend rapid transit" is in effect the same as a high degree of care and that the difference between the two forms of statement "resolves itself into one merely of logomachy." 2 HARPER & JAMES, *op. cit. supra* note 267, § 16.14. Moreover, at the same time the courts speak of the highest degree of care, they sometimes declare that the carrier is not under any obligation to assist passengers in alighting, any help given is a matter of courtesy, the employees need merely call the station and stop long enough to provide reasonable opportunity for the passengers to leave the cars or board them. Central of Ga. Ry. v. Carlisle, 2 Ala. App. 514, 516, 56 So. 737, 738 (1911); Ill. Cent. Ry. v. Cruse, 123 Ky. 463, 96 S.W. 821 (1906); Steeg v. St. Paul City Ry., 50 Minn. 149, 151, 52 N.W. 393, 394 (1892); Yarnell v. Kansas City Ry., 113 Mo. 570, 576-77, 21 S.W. 1, 2 (1893). The high degree of care rule seems to be applied principally with respect to the operation of the equipment. Some courts hold that the carrier is bound to provide a suitable and safe place and means of boarding and alighting, and that whether these were provided and the assistance that should have been offered if they were not by the reasonably prudent employee are questions for the jury. E.g., Mitchell v. Des Moines City Ry., 161 Iowa 100, 109, 141 N.W. 43, 47 (1913); Morarity v. Durham Traction Co., 154 N.C. 586, 588, 70 S.E. 938, 939 (1911). Employees in discharging their duties must take reasonable care not to injure passengers. Griffin v. Louisville Taxicab & Transfer Co., *supra* at 281, 188 S.W.2d at 450; Teft v. Boston Elevated Ry., 285 Mass. 121, 188 N.E. 507 (1934); Benson v. Northland Transp. Co., 200 Minn. 445, 448, 274 N.W. 532, 533 (1937). For an analysis of the differences in boarding and alighting problems of taxis, buses, streetcars, and trains, see Southeastern Greyhound Lines v. Woods, 298 Ky. 773, 184 S.W.2d 93 (1944). The Kentucky court concluded that the rule that a carrier owes passengers the highest duty of care is too generally stated. Rather it should read: that the carrier has "the duty to exercise the highest degree of care, skill and diligence for the safety of the passenger as is required by the nature and risk of the undertaking, in view of the mode of conveyance and other circumstances involved, which may vary according to the immediate activity, instrumentality, time or place." *Id.* at 775-76, 184 S.W.2d at 95. "The modern trend is away from the artificial and perplexing categories of high and highest degree of care and toward the one standard for all cases of reasonable or ordinary care under the circumstances of the particular case." 14 AM. JUR. 2d *Carrriers* § 916 (1964). For cases dealing with the duty of carriers to furnish suitable accommodations, including providing heat necessary for the health, comfort, and safety of passengers during the trip, see Silver v. New York Cent. R.R., 329 Mass. 14, 105 N.E.2d 923 (1952); Owen v. Rochester-Penfield Bus Co., 278 App. Div. 5, 103 N.Y.S.2d 137 (1951).

or excavations in the streets, the judicial focus of discussion is often the conduct of the pedestrian and whether he was duly careful in seeking to avoid harm to himself. In the common carrier cases, doubtless because of the nature of the business including its potential dangerousness in a number of ways, the courts are most often preoccupied with determining the character and extent of the duty of the defendant, and comparatively little is said about contributory negligence. The passenger is of course called upon to exercise due care for his own safety<sup>274</sup>—even required upon rare occasion to make “a more than ordinary diligent and attentive use” of his remaining senses<sup>275</sup>—but what that care is, in the circumstances of disability and the surroundings of various common carriers, is seldom analyzed. The situation is regarded as largely in the control of the carriers, and as very little in the control of the passengers. The passenger is under no duty to ask for needed services if his disability is apparent.<sup>276</sup> Contributory negligence would normally be hard to establish when the passenger was being assisted by the employee.<sup>277</sup> The principal areas left for possible contributory negligence are in the failure to request assistance when disability is not apparent or in not allowing employees a suitable chance to render the aid. The Supreme Court of South Carolina held that there was contributory negligence as a matter of law when a visibly deformed and crippled midget alighted from a train unaided.<sup>278</sup> He had not given the employees, said the court, “a reasonable opportunity” to help him.<sup>279</sup> It is pointed out in the American Law Reports that the carrier’s conduct at times seems to give the disabled passenger a choice of two dangers: a danger of injury if he alights at once; a danger of injury if he is carried to some further point where there will be no one to aid him.<sup>280</sup> The passenger can hardly be charged with negligence if he decides to take his chances at once. In addition, the emergency doctrine is applicable in determining whether the choice was a reasonable

<sup>274</sup> See, e.g., *Yazoo & M.V.R. Co. v. Shaggs* 181 Miss. 150, 179 So. 274 (1938); *Singletary v. Atlantic Coast Line R. Co.*, 217 S.C. 212, 219, 60 S.E.2d 305, 308 (1950). The Washington Supreme Court said that the carrier owed the passenger, crazed with drink, “a duty commensurate with his condition. The corollary of this rule must be that his duty to care for his own safety should be measured by his condition as to sobriety.” *Bennett v. Seattle Elec. Co.*, 56 Wash. 407, 410, 105 Pac. 825, 827 (1909).

<sup>275</sup> *Gonzales v. New York & Harlem R.R.*, 1 Jones & Spencer 57, 62 (N.Y. Sup. Ct. 1871); *Anschel v. Pennsylvania R.R.*, 34 Pa. 123, 127, 29 A.2d 694, 697 (1943).

<sup>276</sup> *Mitchell v. Des Moines City Ry.*, 161 Iowa 100, 108, 141 N.W. 43, 46 (1913): “Most people afflicted as she [plaintiff] was feel a delicacy in asking assistance or in urging upon the attention of strangers the fact that they are unfortunate and crippled.”

<sup>277</sup> See cases cited in 14 AM. JUR. 2d *CARRIERS* § 1011 n.21 (1964).

<sup>278</sup> *Singletary v. Atlantic Coast Line R. Co.*, 217 S.C. 212, 60 S.E.2d 305 (1950).

<sup>279</sup> *Id.* at 217, 60 S.E.2d at 308.

<sup>280</sup> Annot., 30 A.L.R.2d 334, 337 (1953).

one.<sup>281</sup> Moreover, it has been held that where the passenger's disability prevented him from discovering that the car was moving, he was not negligent *per se* in getting off.<sup>282</sup>

Noticeably absent from the common carrier cases is talk about some of the common, well-known, compensatory devices for the blind. Either the seeing-eye dog or the cane would be helpful in keeping the blind man from falling off the unguarded end of the train platform; but neither would be particularly helpful in finding a connecting train or in locating the station from the middle of the switchyard. The cane but not the dog would be helpful in descending train steps, locating the stool placed at the bottom, and determining the height of the steps. Doubtless the absence of judicial talk about these devices is due to the presence of the employee on the scene, regarded by courts as more useful and reliable than either of the other compensatory aids.

That the disabled who need them ought to be provided with attendants, as some courts have said,<sup>283</sup> leaves open the question: by whom? To require the impoverished disabled to supply them out of their own resources on penalty of not being able to travel on common carriers is simply one form of locking the disabled up in their houses and institutions. The government-sponsored arrangements<sup>284</sup> by which blind passengers may take a guide with them for the price of one ticket are a recognition of the poverty of the blind as well as their supposed need for guide services. They do not solve the problem of the blind person who is without a guide and who, because of the availability of these arrangements on almost all bus and railroad lines in the United States, is often told that he will not be permitted to get aboard unattended. The arrangements thus work in some cases to the disadvantage of the disabled traveler by giving support to the carriers in the free exercise of a supposed right not to accommodate them. Where services are abundantly available on the airlines, supplying the disabled passenger with many attendants, and only the blind person's poverty remains, the National Federation of the Blind has opposed the two-for-one concession authorized by bills currently pending before Congress.<sup>285</sup> As to poverty, the blind are not to be distinguished from others who are poor.<sup>286</sup>

<sup>281</sup> *Ibid.*

<sup>282</sup> *Peak v. Pacific Elec. Ry.*, 177 Cal. 190, 170 Pac. 159 (1918).

<sup>283</sup> *E.g., Croom v. Chicago M. & St. P. Ry.*, 52 Minn. 296, 53 N.W. 28 (1893).

<sup>284</sup> See, e.g., 44 Stat. 1247 (1927), 49 U.S.C. § 22(1) (1964); CAL. PUB. UTIL. CODE § 525; HAWAII REV. LAW § 109-22 (1957); KAN. GEN. STAT. ANN. § 66701 (1949); N.J. STAT. ANX. § 48:3-34 (1940).

<sup>285</sup> H.R. 8068, 88th Cong., 1st Sess. (1964); National Federation of the Blind Resolution 64-09, Phoenix 1964.

<sup>286</sup> Some smaller groups of the blind have favored these measures: The BVA Bulletin, Oct. 1964, Resolution No. 13.

The basis and extent of the duty of common carriers toward disabled passengers is set forth in the oft-quoted words of *Croom v. Chicago, M. & St. P. Ry.*:<sup>287</sup>

Of course, a railroad company is not bound to turn its cars into nurseries or hospitals, or its employees into nurses. If a passenger, because of extreme youth or old age, or any mental or physical infirmities, is unable to take care of himself, he ought to be provided with an attendant to take care of him. But if the company voluntarily accepts a person as a passenger, without an attendant, whose inability to care for himself is apparent or made known to its servants, and renders special care and assistance necessary, the company is negligent if such assistance is not afforded. In such case it must exercise the degree of care commensurate with the responsibility which it has thus voluntarily assumed, and that care must be such as is reasonably necessary to insure the safety of the passenger, in view of his mental and physical condition. This is a duty required by law as well as the dictates of humanity.<sup>288</sup>

Thus, the basis of the duty is the voluntary and knowing acceptance of responsibility, making plain that common carriers are free to decline to carry disabled persons, at least those who "ought to be provided with an attendant to take care" of them.

The doctrine of the *Croom* case would seem, on its face, to infringe the common law command of equal and non-discriminatory access to the services and facilities of common carriers and to repudiate any general right on the part of the disabled to travel by this mode. The courts have taken the position that, first, the refusal of the carriers to transport disabled persons is based on proper classification and warrantable discrimination and therefore is not a violation of the common law command; and, second, that the disabled in general do not have a right to be carried by the common carriers, the cases sometimes cited for the proposition that they do being in fact the foundation of the doctrine of the *Croom* case.<sup>289</sup>

The common law command of equal and non-discriminatory access arises out of and is part of the notion that carriers are common, that is, that they hold themselves out to the public generally as in the business

<sup>287</sup> 52 Minn. 296, 53 N.W. 1128 (1893).

<sup>288</sup> *Id.* at 298, 53 N.W. 1129.

<sup>289</sup> See *Williams v. Louisville & N.R.*, 150 Ala. 324, 43 So. 376 (1907); *Yazoo & M. Valley R. v. Littleton*, 177 Ark. 199, 5 S.W.2d 930 (1928); *Illinois Cent. R. v. Allen*, 121 Ky. 138, 89 S.W. 150 (1905); *Illinois Cent. R. v. Smith*, 85 Miss. 349, 37 So. 643 (1905); *Zackery v. Mobile & O.R.*, 75 Miss. 746, 23 So. 434 (1889); *Zackery v. Mobile & O.R.*, 74 Miss. 520, 21 So. 246 (1897); *Sevier v. Vicksburg & M.R.*, 61 Miss. 8 (1883); *Hogan v. Nashville Interurban Ry.*, 131 Tenn. 244, 174 S.W. 1118 (1915); *Benson v. Tacoma Ry. & Power Co.*, 51 Wash. 216, 98 Pac. 605 (1908).

of transporting persons for hire.<sup>290</sup> The command is imposed by law, does not arise out of the contractual relation between the carrier and the passenger, is intended for the benefit of the traveling public and in many states is re-declared and strengthened by statute and constitutional provision.<sup>291</sup> But equal access, the courts hold, is provided when all who are similarly situated are admitted on the same terms and a ban against discrimination does not forbid distinctions among potential passengers that are warranted by the special relation of a particular class of persons to the function of the carrier or the act of transportation.<sup>292</sup> Thus they have held that carriers can refuse to receive persons who are objectionable, dangerous to the health, safety, or convenience of the other passengers: those "who desire to injure the company, notoriously bad, or justly suspicious persons, gross or immoral persons, drunken persons . . . those who refuse to obey the rules,"<sup>293</sup> those who are obnoxiously filthy,<sup>294</sup> or those who are affected with a contagious or repulsive disease.<sup>295</sup> To this motley crew, in view of the association in men's minds between these ill-assorted persons and problems, it was inevitable that the courts should add the physically disabled. To supply their need for attendants, would, in effect, convert the conveyance into a hospital and the carrier's employees into nurses.<sup>296</sup>

## 2. *The Right of the Disabled to be Transported on Common Carriers*

The leading cases on the right of the disabled to be carried by a common carrier open the door of the carrier only a crack to admit a few.<sup>297</sup> They hold that the carrier may not properly adopt a flat rule that

<sup>290</sup> See, e.g., *Hogan v. Nashville Interurban Ry.*, *supra* note 289, at 254, 174 S.W. at 1120. See generally, 13 AM. JUR. 2d *Carriers* § 2 (1964).

<sup>291</sup> See cases and statutes cited in 13 AM. JUR. 2d *Carriers* §§ 175, 181 (1964), 14 AM. JUR. 2d *Carriers* § 859 (1964).

<sup>292</sup> *Ibid.*

<sup>293</sup> *Zachery v. Mobil & O.R. Co.*, 74 Miss. 520, 21 So. 246 (1897).

<sup>294</sup> *Atwater v. Delaware, L. & W.R. Co.*, 48 N.J.L. 55, 2 Atl. 803 (1886).

<sup>295</sup> *Pullman Car Co. v. Krauss*, 145 Ala. 395, 40 So. 398 (1906); *Bogard v. Illinois Cent. R.*, 144 Ky. 649, 139 S.W. 855 (1911); *Atwater v. Delaware, L. & W.R.*, *supra* note 294.

<sup>296</sup> *Pullman Palace Car Co. v. Barker*, 4 Colo. 344, 34 Am. Rep. 89 (1878); *Croom v. Chicago, M. & St. P. Ry.*, 52 Minn. 296, 53 N.W. 1128 (1893).

<sup>297</sup> In *Pullman Palace Car Co. v. Barker*, 4 Colo. 344, 34 Am. Rep. 89 (1878), the ill were declared to have the right. The statement was dictum however and the emphasis of the opinion was upon "the increased risk arising from conditions affecting their fitness to journey" resting upon their own shoulders where they are unknown to the carrier. *Id.* at 348, 34 Am. Rep. at 92. For the language casting doubt on the right in Colorado, see *Denver & R.G.R.R. v. Derry*, 47 Col. 584, 108 Pac. 172 (1910): "It may be that a railroad company is not bound to receive as a passenger one who is helpless or blind, or otherwise incapable of properly caring for himself, unless accompanied by a competent attendant." *Id.* at 588, 108 Pac. at 174. A 1911 Kentucky case, *Louisville Ry. v. Wilder*, 143 Ky. 436, 136 S.W. 892 (1911), declared the right in more encompassing terms: "[C]hildren . . . feeble, infirm, . . . aged

no sick, insane, imbecile, cripple, invalid, or blind person will be received by conductors, or sold tickets by agents, unless accompanied by some person charged with their care and comfort while traveling.<sup>298</sup> There was no disposition to question this rule as a wholesale invasion of the rights of a large class of people to live in the world, or to go about in it; no reference to the cases declaring the disabled have the same right as others to be upon the streets and highways, saying in effect that if they are able to get there they have a right to be there; no doubts about the proposition—indeed it was explicitly affirmed—that carriers may refuse to receive persons if they require “other care than that which the law requires the carrier to bestow upon all its passengers alike.”<sup>299</sup> Moreover, the Mississippi court felt itself able to say what classes of persons require such “other care,” though it faltered a little in vouchsafing information about the character of the additional care: “Primarily the affliction of blindness unfits every person for safe travel by railway, if unaccompanied.”<sup>300</sup> Accordingly, the carrier might presume blind people unfit to travel alone, a presumption not to be regarded as “a hardship upon the persons afflicted with blindness or other disabling physical infirmity” but rather “as a safeguard thrown around them for their protection.”<sup>301</sup> But since not every sick, crippled, infirm, or blind person requires additional care, the individual must be allowed to overcome this presumption against him if he can. This he can do by offering to the company’s agent proof of his competence to travel alone. The company’s flat rule of exclusion was thus to be traded for a presumption of the incompetence of the disabled, itself a rule of exclusion but not a flat one. This opened the door a crack to admit those adjudged by uninformed agents to be competent and who have the hardihood to insist on the point. In the social context of the day, the courts did not feel it necessary to find some rational justification for the closed-door policy which they and the carriers adopted; quite the contrary, they found it necessary to justify opening the door even the crack they did. Two reasons were given for doing so: fear that the less severely disabled—those only slightly sick or lacking a leg or arm—might be caught in the dragnet at

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persons [and] persons who are encumbered with babies or bundles . . . all these classes of persons have the right to use the car . . .” *Id.* at 440, 136 S.W. at 894. Here again the statement is dictum. The question in the case was whether the carrier was negligent in starting the train before the plaintiff with a baby in her arms was seated.

<sup>298</sup> Illinois Cent. R. Co. v. Smith, 85 Miss. 349, 37 So. 643 (1905); Zackery v. Mobile & O.R. Co., 75 Miss. 746, 23 So. 434 (1898); Zackery v. Mobile & O.R. Co., 74 Miss. 520, 21 So. 246 (1897); Hogan v. Nashville Interurban Ry., 131 Tenn. 244, 174 S.W. 1118 (1915).

<sup>299</sup> Illinois Cent. R. Co. v. Smith, 85 Miss. 349, 356, 37 So. 643, 644 (1905).

<sup>300</sup> *Ibid.*

<sup>301</sup> *Ibid.*

the station door;<sup>302</sup> and the undesirability of placing an "unwarranted handicap on a class of men capable of being serviceable to society, and therefore on society itself."<sup>303</sup> The courts did not discuss why either serviceability to society or the right to live in it should be tested by the physical capacity to mount the train steps unaided or find one's way to a connecting carrier. They only thought it a proper test for those who could do these things unaided. To the best of our knowledge and belief this question was not put to Franklin Delano Roosevelt as he was assisted aboard a train to go to Washington to be inaugurated President of the United States.

The rule governing the right of the disabled to ride on common carriers, thus evolved by the courts around the turn of the century, constituted at that time a slight improvement on a harsher rule sought to be imposed by the railroads. While perhaps consistent with the prevailing social attitudes of that day, but certainly inconsistent with the rule long since developed by the courts regarding the right of the disabled to be on the streets and highways,<sup>304</sup> that rule is still invoked by the carriers today. In the summer of 1965, it was cited by an agent in Atlanta, Georgia, as justifying refusal to transport a blind person with normal ability to get about. It was widely circulated by the passenger agents' association as their answer to a flurry of protest from organizations of the blind.<sup>305</sup> "Rule 8(f). *Ticketing Insirm or Objectionable Passengers.*—No person, who because of mental, physical, or other disability, is incapable of caring for himself or herself, will be received as a passenger, *unless accompanied by a competent attendant*, and no contract for transportation or ticket purchased by or for such a person in contravention of this rule shall be valid."<sup>306</sup>

The objections to this rule which existed when it was formulated are still valid today and the changed times have added others. At least as to the physically disabled, it is wrong in principle. Services necessary for the use of their equipment and facilities should be provided by the carriers as part of the care which "the law requires the carrier to bestow upon all its passengers alike."<sup>307</sup> That this would compel them to convert their trains into hospitals and their employees into nurses is probably

<sup>302</sup> Zackery v. Mobile & O.R. Co., 75 Miss. 746, 752, 23 So. 434, 435 (1898).

<sup>303</sup> Hogan v. Nashville Interurban Ry., 131 Tenn. 244, 251-52, 174 S.W. 1118, 1120 (1915). The *Hogan* case involved a young paralytic who, using crutches, traveled by train daily to Vanderbilt University where he was a student and a teacher.

<sup>304</sup> See text accompanying notes 132-67 *supra*.

<sup>305</sup> Letter to R. Kletzing, president NFB, from Trans-Continental R.R. Passenger Ass'n, E. B. Padrick, Chairman, July 6, 1965.

<sup>306</sup> *Ibid.*

<sup>307</sup> Illinois Cent. R. Co. v. Smith, 85 Miss. 349, 356, 37 So. 643, 644 (1905).

colorful argument rather than fact. In any event, it speaks only to the cost; and the public should bear the cost of making effective such an important right. The argument about the necessity of Rule 8(f) is largely academic. In practice, services adequate to enable most disabled persons to travel, even though they might commonly be thought to require an attendant, are provided by the agents of the company or are available from porters and others on the premises. Equally important, the rule is misapplied by agents not generally knowledgeable about such things to exclude disabled persons who do not need an attendant. Arguments about cost, availability of existing services, and mis-administration, however, all must give way to the fact that the rule is in contravention of today's policy of integration of the disabled into the social and economic life of the community. That policy requires at least that the presumption of incompetence of the disabled should be exchanged for a presumption of competence, leaving the burden of disproof on the carrier; and that every disabled person who makes his way to the station should be put aboard with whatever help is necessary. In practice, this is what the large airlines do, without noticeable disaster to themselves or to the country. Architectural barriers in public conveyances should receive the same treatment as they do in public buildings and facilities.<sup>308</sup>

If the disabled are to live in the world, travel by common carrier is a necessary right—as necessary as is the right to use the streets, highways and sidewalks. Indeed, it may properly be regarded as aspect of the right to be upon the streets, highways, and walks. That the latter are public, while the common carriers are in some sense private, does not change the nature of the right or its necessity and harmony with basic social policy. People cannot live in the world, today, more than ever, without moving freely within communities and between communities. This involves not only walking or riding wheelchairs upon the sidewalks and streets, but also utilizing such means of transportation over them as are commonly available to others. The disabled are less able to use private cars driven by themselves, and are correspondingly more dependent on public transportation. The fact that common carriers are regulated and subsidized by the public, and are engaged in a common calling with historic common law implications of rights to equal access, does not create the claim of the disabled to live in the world and gain access to it through the use of common carriers. It does, however, add strength to that claim and make its denial even less tenable. Only when that right and its implications are fully understood by the courts, and avowed and implemented by them, will this branch of the law of torts

<sup>308</sup> See text accompanying notes 102-31 *supra*.

be brought into conformity with the demands of the second half of the twentieth century and its policy of the social and economic integration of the disabled.

The extent to which the existing rule of the carriers has been modified, if at all, by the guide dog statutes is not entirely clear. Those statutes in twenty-three<sup>309</sup> states expressly cover public conveyances, occasionally, as in California, detailing these as "common carriers, airplane, motor vehicle, railroad train, motor bus, street car, boat . . ."<sup>310</sup> As noted earlier,<sup>311</sup> these statutes are generally addressed to the problem of gaining admittance for the dog, that is, of removing restrictions on its presence. In the case of public conveyances, they also seek to make plain that the master is not to be charged for the transportation of the dog,<sup>312</sup> and sometimes that the dog is not to occupy a seat.<sup>313</sup> The special question presented with respect to the carriers is whether the dog is to be treated as "a competent attendant" within the meaning of their rule; or whether the blind person adjudged by an agent to be incompetent is required to be accompanied by a competent human attendant in addition? The narrowest view of the statutes is that they do not enlarge the class of blind persons eligible to travel unattended and that the persons otherwise competent to travel alone may take their dogs with them. An intermediate view is that the statutes authorize all blind persons with dogs to travel, eliminating all questions of their competence. The broadest view is that the statutes presuppose a right of all persons to use common carriers, and, presupposing that right, they are designed to remove special obstacles placed in the way of blind persons having their dogs with them when exercising the right. The first view conforms to the literalism of the statutes. The third view conforms to the historic origins and purposes of the statutory formulation and the policy of integrationism. The second view does not particularly conform to either, but is the one that is followed in practice. Arguments between the agents of common car-

<sup>309</sup> Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, Rhode Island, Tennessee, Texas, Washington, West Virginia. See note 74 *supra* for a listing of the applicable statutes.

<sup>310</sup> CAL. PEN. CODE § 643.5.

<sup>311</sup> See text accompanying notes 69-102 *supra*.

<sup>312</sup> ARK. STAT. ANN. § 78-212 (Supp. 1957); CAL. PEN. CODE § 643.5; CONN. REV. STAT. § 22-346a (Supp. 1963); IDAHO CODE ANN. § 18-5812A (Supp. 1965); IOWA CODE ANN. § 351.30 (Supp. 1964); ME. REV. STAT. § 54 (Supp. 1963); MASS. STAT. ANN. § 98A (1956); MO. STAT. ANN. § 209.150 (1962); N.J. STAT. ANN. § 48:3-34 (1953); R.I. STAT. ANN. § 29-2-16 (1957); TEX. STAT. ANN. § 25-889a (1960); WASH. REV. CODE ANN. § 81.28.140 (1962); W. VA. CODE ANN. § 2568(1) (1961).

<sup>313</sup> GA. CODE ANN. § 79-601 (1964); IND. STAT. ANN. § 16-212 (1964); LA. STAT. ANN. § 52 (Supp. 1964).

riers and the blind travelers focus on the right of the dog to go aboard the right of the master is not disputed. Thus is human progress achieved. Since there are few guiding and no attendant functions the dog can perform in or about public conveyances, this is an ironic method of advancing human rights.



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